

Message

From: Valentine, Julia [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0D386C8E6ABC4DAB9A307A9411E36D47-VALENTINE,]
Sent: 7/18/2017 5:06:10 PM
To: Millett, John [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c067caa6c93544f78c26ab08cc567d27-Millett, John]; Sutton, Tia [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=25e87403f63143acbb959446512a372c-Sutton, Tia]; Argyropoulos, Paul [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=0149b93d2780437a9c2b6d8477df7991-pargyrop]
Subject: RE: OTAQ: Argus (Elliott Blackburn) Re: RFS small refinery exemptions (Deadline: 7/20 10 AM)

Checking with reporter. Thanks, Tia.

Julia P. Valentine
Assoc. Dir./Acting Dir.
U.S. EPA, Ofc of Media Relations
202.564.2663 direct

Ex. 6

 m/txt

From: Millett, John
Sent: Tuesday, July 18, 2017 11:57 AM
To: Sutton, Tia <sutton.tia@epa.gov>; Argyropoulos, Paul <Argyropoulos.Paul@epa.gov>
Cc: Valentine, Julia <Valentine.Julia@epa.gov>
Subject: RE: OTAQ: Argus (Elliott Blackburn) Re: RFS small refinery exemptions (Deadline: 7/20 10 AM)

Thanks -- Let me loop Julia for efficiency's sake.

From: Sutton, Tia
Sent: Tuesday, July 18, 2017 11:55 AM
To: Millett, John <Millett.John@epa.gov>; Argyropoulos, Paul <Argyropoulos.Paul@epa.gov>
Subject: RE: OTAQ: Argus (Elliott Blackburn) Re: RFS small refinery exemptions (Deadline: 7/20 10 AM)

Yup -- we're on it. We'll get going on this one now and get back to you.

One thing it would be good if they could clarify is what "explanatory statement" they're referring to (there are a number of things floating out there), so if you could ask if they could cite the explanatory statement that they're referring to or send us the language, that would be great. Thanks!

From: Millett, John
Sent: Tuesday, July 18, 2017 11:34 AM
To: Sutton, Tia <sutton.tia@epa.gov>; Argyropoulos, Paul <Argyropoulos.Paul@epa.gov>
Subject: FW: OTAQ: Argus (Elliott Blackburn) Re: RFS small refinery exemptions (Deadline: 7/20 10 AM)

Hi Tia and Paul -- I'm backing up EB and CM this week. Do you mind pointing me in the right direction in tracking this down? Thanks!

From: Valentine, Julia
Sent: Tuesday, July 18, 2017 11:31 AM
To: Millett, John <Millett.John@epa.gov>; DeLuca, Isabel <DeLuca.Isabel@epa.gov>
Subject: OTAQ: Argus (Elliott Blackburn) Re: RFS small refinery exemptions (Deadline: 7/20 10 AM)

Hi there,

Inquiry from Elliott Blackburn at Argus.

He said he is "happy to discuss if there is something that will prevent the information from being gathered in that time frame."

Anyone else I should include in OTAQ with Chris and Erin out?

Thanks!

From: Elliott Blackburn [<mailto:elliott.blackburn@argusmedia.com>]

Sent: Tuesday, July 18, 2017 10:47 AM

To: Press <Press@epa.gov>

Subject: RFS small refinery exemptions

Good morning,

I want to better understand and explain the result of the explanatory statement regarding small refinery exemptions under the Renewable Fuel Standard referenced in the latest proposed rules.

- How many refineries received small refiner exemptions for the 2016 compliance year?
- How many refineries did DOE recommend to receive small refiner exemptions for the 2016 compliance year?
- How many RINs would have obligated by refineries recommended for exemption by DOE? In other words, if the actual awarded small refinery exemptions represented 390mn RINs (according to the proposed rules) how much did the full list of DOE recommendations represent?
- In EPA's understanding of the guidance to EPA in the Consolidated Appropriations Act of 2017, can the agency in future compliance years choose not to grant an exemption to a refinery recommended for exemption by DOE?

Let me know if I can clarify any of these questions.

Thank you for your help,

Elliott

Elliott Blackburn

Downstream Reporter

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THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

SEP 19 2016

Mr. Robert L. Greco III
Group Director
Downstream & Industry Operations
American Petroleum Institute
1220 L Street, NW
Washington, D.C. 20005-4070

Dear Mr. Greco:

I am responding to your October 11, 2013, petition to the U.S. Environmental Protection Agency for reconsideration of the final rulemaking, "Regulation of Fuels and Fuel Additives: 2013 Renewable Fuel Standards," 78 FR 49794, August 15, 2013. In your petition you requested reconsideration of the use of a projection of gasoline and diesel consumption and the adjustment of the final renewable-fuel-percentage standards to reflect the grant of a small refinery exemption.

The EPA has carefully reviewed your petition and the information available on the issues you raised. For reasons discussed in the enclosed response, the EPA is denying your petition for reconsideration.

We thank you for your interest in these issues, and the EPA looks forward to working with you and other stakeholders as we continue to implement the Renewable Fuel Standard program.

Should you have any questions, please contact Paul Argyropoulos, my colleague in the Office of Transportation and Air Quality, at (202) 564-1123 or argyropoulos.paul@epa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Gina McCarthy".

Gina McCarthy

Enclosure



THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

SEP 19 2016

Mr. Richard Moskowitz
General Counsel
American Fuel & Petrochemical Manufacturers
1667 K Street, NW
Suite 700
Washington, D.C. 20006

Dear Mr. Moskowitz:

I am responding to your October 10, 2013, petition to the U.S. Environmental Protection Agency for reconsideration of the final rulemaking, "Regulation of Fuels and Fuel Additives: 2013 Renewable Fuel Standards," 78 FR 49794, August 15, 2013. In your petition you requested reconsideration of the use of a projection of gasoline and diesel consumption and the adjustment of the final renewable-fuel-percentage standards to reflect the grant of a small refinery exemption.

The EPA has carefully reviewed your petition and the information available on the issues you raised. For reasons discussed in the enclosed response, the EPA is denying your petition for reconsideration.

We thank you for your interest in these issues, and the EPA looks forward to working with you and other stakeholders as we continue to implement the Renewable Fuel Standard program.

Should you have any questions, please contact Paul Argyropoulos, my colleague in the Office of Transportation and Air Quality, at (202) 564-1123 or argyropoulos.paul@epa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Gina McCarthy".

Gina McCarthy

Enclosure



Richard Moskowitz
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October 10, 2013

The Honorable Gina McCarthy
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue
Washington, D.C.

RE: Petition for Reconsideration of 2013 Renewable Fuel Standards,
Waiver of 2013 Cellulosic Biofuel Requirements and Other Relief
Docket No. EPA-HQ-OAR-2012-0546

Dear Administrator McCarthy:

Pursuant to Section 307(d)(7)(B) of the Clean Air Act ("CAA"), the American Fuel & Petrochemical Manufacturers ("AFPM")¹ hereby petitions you to convene a proceeding to reconsider certain aspects of the U.S. Environmental Protection Agency's ("Agency" or "EPA") final rule entitled *Regulation of Fuels and Fuel Additives: 2013 Renewable Fuel Standards* ("Final Rule").²

Three issues warrant reconsideration: (1) EPA's rulemaking timeline (*i.e.*, its failure to comply with CAA deadlines) and its reliance on data requested and generated during the 2013 compliance period that was not subject to notice and comment; (2) the methodology EPA used to estimate cellulosic production and to establish 2013 cellulosic biofuel standards; and (3) the grant of a small refinery/refiner exemption resulting in the reallocation of compliance burdens to other obligated parties.

EPA's failure to establish a transparent and permissible methodology for promulgating renewable fuel standards and to meet the deadlines mandated by Congress is disrupting obligated parties' compliance programs and causing substantial harm. Congress required EPA to establish these standards by November 30 of each year (prior to a compliance year) so that obligated parties would have sufficient lead time to develop and implement appropriate regulatory compliance strategies. Obviously, parties are denied the lead time envisioned by Congress when,

¹ AFPM is a national trade association of more than 400 companies. Its members are obligated parties under the Renewable Fuel Standard ("RFS") and include virtually all U.S. refiners and petrochemical manufacturers. AFPM members supply consumers with a wide variety of products and services used daily in their homes and businesses. These products include gasoline, diesel fuel, home heating oil, jet fuel, lubricants and the chemicals that serve as "building blocks" in making diverse products, such as plastics, clothing, medicine and computers.

² 78 Fed. Reg. 49794 (August 15, 2013).



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as it did here, EPA promulgates renewable fuel standards well into the compliance year and then applies them retroactively. Matters are made even worse when EPA relies upon data requested and generated after the start of the compliance period and for which stakeholders are denied a meaningful opportunity to review and to comment. The timeline and rulemaking process that EPA followed for this rule, as well as the last few years, completely ignores the regulatory scheme contemplated by Congress.

Going forward, we urge the Agency to follow the timelines mandated by CAA section 211(o) and to develop a process that allows for informed public comment before publication of the final rule on or before November 30. EPA also must work with EIA to ensure that it provides the estimates required under CAA section 211(o)(3)(A) in a manner that would enable EPA to propose and publish a final RFS rule by November 30.

In the meantime, and for the reasons set forth below, we respectfully request that you grant reconsideration to allow the public to comment on these centrally relevant issues. In responding to and publishing this petition for reconsideration, EPA should describe in detail the methodology it used to establish the 2013 cellulosic biofuel standard and include an analysis as to why the methodology continues to yield estimates of cellulosic production that consistently have been far above actual production. EPA also should suggest and take comment on revisions to this methodology that will correct this legal deficiency.

To address the discrepancy between EPA's predicted cellulosic biofuel production and actual production caused by the Agency's application of an opaque and unrealistic methodology, AFPM also is petitioning EPA to waive the 2013 cellulosic biofuel requirements in accordance with CAA Section 211(o)(7)(A). As detailed in this petition, production data utilized by EPA in establishing such requirements is not credible and actual production of cellulosic biofuel in 2013 will fall far short of the level EPA established in the Final Rule. EPA must therefore waive the 2013 cellulosic biofuel requirements on the basis of inadequate domestic supply.

We discuss the issues that underlie our requests in greater detail below.

I. EPA's Repeated Failure to Meet the Clean Air Act's Explicit Deadline for Establishing RFS Requirements and Standards

CAA section 211(o)(3)(B) requires the EPA Administrator "[n]ot later than November 30 of each calendar year[]" to "determine and publish in the Federal Register with respect to the following calendar year, the renewable fuel obligation that ensures that the requirements of [CAA section (o)(2)] are met." In this regard, the RFS is not self-executing. Obligated parties do not know their precise obligations for any year until EPA acts to establish renewable fuel obligations, applicable percentage requirements, and the level of transportation fuel projected



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to be sold or introduced into commerce for the same year. The explicit intent of Congress in enacting the RFS standard-setting process and the dates provided in CAA section 211(o)(3)(A)-(B) is abundantly clear. It is designed to inform obligated parties, *prior to each compliance year*, of the full extent of their RFS obligations in the coming year.

EPA failed to meet this statutory deadline with regard to all renewable fuel standards except biomass-based diesel and for all volume percentage requirements that apply in 2013. In fact, EPA did not even *propose* the percentage requirements for 2013 until two months after the date established in the CAA for *final* standards. Final renewable fuel standards were not in place and effective until August 15, over nine months after the date required by the CAA and more than halfway through the 2013 RFS compliance year.

As a result of EPA's long-delayed rulemaking process, obligated parties were denied the regulatory certainty contemplated under the CAA. In addition – and directly as a result of the long delay in rulemaking – the RFS requirements that apply to every obligated party also changed. In the Final Rule, EPA increased the level of required compliance with the renewable fuel standard from 9.63%³ to 9.74%.⁴ Delaying the publication of the Final Rule by more than 8 months after the beginning of the compliance year injured obligated parties who typically purchased the required number of RINs needed for compliance throughout the calendar year. Obligated parties were placed in a position of having to plan and implement the acquisition of *millions* of additional expensive Renewable Identification Numbers (“RINs”) for 2013 when most of the compliance year was already over.⁵ EPA's delayed issuance of the 2013 RFS volumes forces obligated parties to make blind financial bets on what EPA might do, when it will act, and how its actions will affect RIN prices. The impacts of EPA's delays are not theoretical.

EPA's violation of CAA Section 211(o)(3) timelines also facilitated the use of information that was not disclosed to the public, depriving all commenters of an ability to review

³ 78 Fed. Reg. at 9,286.

⁴ 78 Fed. Reg. at 49,826.

⁵ Due to the delays in the 2013 RFS rulemaking, EPA received comments arguing that the Agency should not impose any RFS requirements in 2013, that EPA should limit RFS requirements to fuel introduced into commerce after date of a final rule, or that EPA should increase percentage standards (but apply them only to production of gasoline or diesel after the issuance of a final rule). EPA rejected all of these options. Instead, the final rule extends the date for demonstration of compliance with 2013 RFS standards by four months, to June 30, 2014. Extending the date for making compliance *demonstrations*, however, does not alter the fact that compliance *obligations* date back to January 1, 2013. Thus, EPA's “solution” does not address the real harms of its delay.



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the information that formed the basis of the Final Rule. As explained in more detail below, AFPM and other commenters could not have known that EPA would request an additional EIA estimate in April 2013 and use this estimate in lieu of the EIA estimate required by CAA section 211(o)(3). Nor did AFPM or other commenters have the ability to review and comment on new producer information that formed the basis of a lower – but still impermissibly high – cellulosic biofuel requirement for 2013. Reconsideration of the rule is therefore required.

The reconsideration process does not allow EPA to “go back in time” and directly cure its violation of the statutory timeline established in CAA section 211(o). But EPA can take corrective action. Specifically, EPA should:

- (1) agree to solicit comment on what data the Agency can use to establish renewable fuel standards for any given year and whether it was appropriate for EPA to base the 2013 standards on data solicited and otherwise provided after commencement of the 2013 compliance period; and
- (2) obtain and publish the EIA estimate required under CAA Section 211(o)(3)(A) in future years at a point in time that would allow for an adequate period of public comment prior to the required determination of the renewable fuel obligation and applicable percentage requirements by November 30.

We also remain concerned with the Agency’s complacency in repeatedly ignoring the RFS statutory deadlines. Indeed, EPA seems poised to miss the deadline for issuing the 2014 standards and has signaled its intent to do so in its Regulatory Announcement accompanying the Final Rule:

Further, EPA is providing additional lead time to obligated parties by extending the date by which compliance with the 2013 standards must be demonstrated to June 30, 2014. EPA chose this date both to provide additional time, and because *we project that the final rule establishing the 2014 RFS standards should be finalized by that date.*⁶

EPA must therefore act now in accordance with the requests contained in this petition to ensure that it will meet its annual obligation to implement RFS requirements.

⁶ U.S. Environmental Protection Agency, Regulatory Announcement: *EPA Finalizes 2013 Renewable Fuel Standards*, <http://www.epa.gov/otaq/fuels/renewablefuels/documents/420f13042.pdf> (accessed October 7, 2013).



II. EPA Must Reconsider the Annual Percentage Standard for Cellulosic Biofuel

During its delay in promulgating the 2013 Final Rule, EPA solicited, received, and relied upon additional information from EIA and cellulosic biofuel producers in setting the final renewable fuel standards, denying obligated parties the opportunity to comment on material information in violation of the Administrative Procedures Act (“APA”). EPA also utilized an opaque methodology for projecting annual cellulosic biofuel volumes that is inherently flawed, as borne out by actual production data. Moreover, to the extent that the methodology is “new,” as alleged by EPA, it was not adequately noticed or explained, and thus, there has been no opportunity for public review and comment.

EPA established a percentage standard of 0.004% for cellulosic biofuel based on its projection of 6 million ethanol-equivalent gallons of cellulosic biofuel production. EPA offered several bases for its projection: (1) a May 8, 2013 EIA projection of 2013 cellulosic biofuel volumes undertaken at EPA’s request;⁷ (2) individual producers’ production plans; (3) individual producers’ “progress to date” reports; and (4) comments received in response to the Notice of Proposed Rulemaking (“Proposed Rule”).⁸ With the exception of certain comments filed in response to the Proposed Rule, none of this information was available during the public comment period. Yet, by EPA’s own admission, this information was of central relevance to the Final Rule. Indeed, EPA proclaimed that this new information “*led to* the 2013 applicable volume requirement” for cellulosic biofuel.⁹ For these reasons reconsideration is warranted under CAA Section 307(d)(7)(B).

A. EPA’s Methodology for Setting the Cellulosic Biofuel Standards was Flawed and, to the Extent it is New, as Alleged by EPA, Should Have Been Subject to Review and Comment

Although EPA’s Final Rule cites information that it asserts factored into the final RFS volumetric and percentage standards for 2013, the precise process that EPA used to establish the standards remains opaque. For its part, EPA asserts that it applied a new, “neutral methodology” in developing the Final Rule. Assuming *arguendo* that EPA did in fact use a new methodology, reconsideration is warranted because the new methodology was not noticed, let alone explained

⁷ Letter from A. Michael Schaal, Director, Office of Petroleum, Natural Gas, and Biofuels Analysis, U.S. Energy Information Administration, to Chris Grundler, Director, Office of Transportation and Air Quality, EPA (May 8, 2013) *hereinafter* the “Schaal Letter.”

⁸ *Regulation of Fuels and Fuel Additives: 2013 Renewable Fuel Standards*, 78 Fed. Reg. 9,282 (February 7, 2013) *hereinafter* the “Proposed Rule.”

⁹ *Id.* at 49,796 (emphasis added).



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in the Proposed Rule. Stakeholders had no opportunity to review and comment upon the purported “new methodology” and how it may or may not differ from the methodology vacated in *American Petroleum Institute v. EPA*.¹⁰

Despite EPA’s assertions to the contrary, it appears that EPA either used the same methodology that the D.C. Circuit invalidated or one substantially similar and equally flawed. As explained below in section II.B., EPA’s methodology once again employed an “aspirational” framework, resulting in unrealistic projections of cellulosic biofuel production.

EPA discussed *API v. EPA* in the preamble to the Final Rule and cited it as the reason for establishing a “neutral methodology”¹¹ that more accurately projects cellulosic biofuel production by excluding “highly uncertain” production data. EPA also stated that it created “[b]enchmarks for how quickly new facilities ramp up to full production . . . to assess the reasonableness of the production estimates received from producers.”¹²

Nothing in the Proposed Rule, however, gave notice of this methodology or of the creation of benchmarks. Although *API v. EPA* was decided prior to the Proposed Rule’s publication in the *Federal Register*, EPA made only passing reference to the decision in the Proposed Rule. EPA merely stated that its projection of 11 million gallons of cellulosic biodiesel production (4.4 million gallons above the October 2012 EIA estimate) was its “best estimate of what will actually happen in 2013.” It made no reference to a “neutral methodology,” in fact, the Agency did not even use the term “methodology” in the Proposed Rule. Nor did the Agency discuss specific benchmarks that would apply to different types of cellulosic biofuel facilities.¹³ Thus, there is no way that stakeholders could have been on notice that EPA was establishing a methodology, let alone provided sufficient information to meaningfully comment on the proposal. Reconsideration is the only way to address this procedural deficiency.

It also is entirely unclear what consistent process or methodology EPA used in the Proposed Rule to evaluate information on cellulosic biofuel production. EPA used a *different* “ramp up” schedule for the INEOS Bio and KiOR facilities in the Proposed Rule than it used in

¹⁰ No. 12-1139, D.C. Cir. 2013 (hereinafter cited as “*API v. EPA*”).

¹¹ We would note that the precise terms used in the decision called for an “outcome-neutral methodology” and not the “neutral methodology” that EPA asserts.

¹² 78 Fed. Reg. at 49,803.

¹³ EPA’s claim that it did not receive comments suggesting that this benchmark was inappropriate is puzzling given that EPA never stated it was proposing a “benchmark” in the Proposed Rule. 78 Fed. Reg. at 49,804.



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the Final Rule, one based apparently on information from the producers themselves.¹⁴ Thus, EPA provided no basis on which informed comment could be submitted on this aspect of the Final Rule prior to its publication, even though it is central to EPA's final production estimates and percentage standards for cellulosic biofuel.

Thus, at a minimum, EPA must grant reconsideration to address procedural deficiencies in the process leading to EPA's determination of the final cellulosic biofuel standard for 2013. As part of this process, EPA must make available all information on which the Agency relied in establishing the cellulosic standard and reconsider the levels established in the Final Rule. In addition, we request that EPA publish in the *Federal Register* and make available for public comment the Agency's methodology and benchmarks that it utilized in the Final Rule.

B. EPA's Methodology Continues to Produce Aspirational Results

In the Final Rule, EPA projected that KiOR would produce between 5 and 6 million gallons in 2013. Thus, KiOR accounts for 80 to 100% of EPA's projected cellulosic biofuel production in 2013. On this basis, as well as a projection of between 0 to 1 million gallons produced in 2013 by INEOS Bio, EPA projected a total of 6 million gallons of cellulosic biofuel production (in ethanol-equivalent gallons) for 2013, presumably during the last four to five months of the year.¹⁵ On August 8, 2013, however, KiOR announced that production at its cellulosic biofuel plant would be 75% below forecast.¹⁶ According to KiOR's announcement, total output for the year will be only 1 to 2 million gallons (or 1.5 to 3 million ethanol-equivalent gallons).

KiOR's latest production estimate is less than half of what EPA projected for 2013 and confirms that EPA's 2013 estimate and methodology for calculating cellulosic biofuel production are fundamentally flawed. EPA's methodology continues to produce aspirational results, far out of line with any reasonable expectation of actual production.¹⁷ EPA must,

¹⁴ Specifically, EPA stated that, "*The ramp-up schedules estimated for these facilities differ from each other and were developed based on information received from the companies and EPA's knowledge of the production process used by each company.*" 78 Fed. Reg. at 9,293 (emphasis added). Moreover, EPA stated that the approach it was taking was appropriate and that it was not "re-opening the interpretation for comment in today's proposal." *Id.* at 9,294.

¹⁵ 78 Fed. Reg. at 49,809.

¹⁶ *Kior Falls as Biofuel Production Misses Forecast by 75%*, Ehren Goosens, Bloomberg News, accessed at www.bloomberg.com/news/2013-08-08/kior-falls-as-biofuel-production-misses-forecast-by-75-.html?cmpid=yahoo.

¹⁷ EPA should have recognized that its cellulosic methodology continued to overestimate the quantity of cellulosic biofuel that would be produced. At the time the Administrator signed the final rule, EMTS data



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consistent with the CAA, include a summary of the factual data on which a proposed rule is based and the “methodology used in obtaining the data and in analyzing the data.”¹⁸ This did not occur in the instant rulemaking.

C. EPA Relied On EIA Information that AFPM Members Had no Opportunity to Review and Provide Comment

EIA provided EPA with its estimate of cellulosic biofuel production for calendar year 2013 on October 18, 2012.¹⁹ EIA provided this estimate in accordance with the requirements of CAA section 211(o)(3)(A), which requires EIA to provide EPA with an estimate by October 31 of each year “with respect to the following calendar year, of the volumes of transportation fuel, biomass-based diesel and cellulosic diesel to be sold or introduced into commerce in the United States....”²⁰ CAA section 211(o)(3)(B), in turn, states that “based on” this estimate, EPA must determine and publish in the *Federal Register* the renewable fuel obligation for the coming year, including the obligation for cellulosic biofuel “expressed in terms of a volume percentage of transportation fuel sold or introduced into commerce in the United States.”²¹

EPA’s Proposed Rule referenced the October 2012 EIA estimate in proposing the 2013 cellulosic biofuel volumetric levels.²² Specifically, EPA stated that the “analyses that led to the proposed 2013 applicable volume requirement were based on our evaluation of EIA’s projection for 2013 as well as individual producers’ production plans and progress to date.”²³ The Final Rule, however, is “based on” a different EIA estimate than the estimate used for the Proposed Rule, one that was not available during the comment period. Just three days before the comment period closed, EPA requested that EIA provide its “current forecast of U.S. cellulosic biofuel production in 2013.”²⁴ EIA responded with a letter dated May 8, 2013 (the “Schaal Letter”) that reduced its forecast for cellulosic biofuel production in 2013 from 9.6 million gallons to 4 million gallons. EPA did not post this updated estimate to the rulemaking

confirmed that cellulosic biofuel production fell far short of what the Agency’s methodology predicted for 2013.

¹⁸ CAA section 307(d)(3).

¹⁹ Letter from Adam Sieminski, Administrator U.S. Energy Information Administration, to Lisa Jackson, Administrator, Environmental Protection Agency (October 18, 2012).

²⁰ CAA § 211(o)(3)(A).

²¹ *Id.* § 211(o)(3)(B).

²² A copy of the EIA letter was posted to the docket on February 7, 2013.

²³ 78 Fed. Reg. at 9,824.

²⁴ *See* Schaal Letter. A copy of the outgoing April 5, 2013 letter from Mr. Chris Grundler requesting the new EIA analysis has not been posted in the docket for this rulemaking.



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docket until August 15, 2013, denying the public any opportunity to review this analysis and provide informed comment on the EIA projections that were used in the Final Rule, or to question the use of “inherently uncertain” data in determining the level of the final renewable fuel obligation and percentage standards for cellulosic biofuel.²⁵

The cellulosic biofuel production estimate contained in the Schaal letter is unquestionably of “central relevance to the outcome” of EPA’s Final Rule. Indeed, EPA acknowledges that it gave the new EIA estimate “great respect”²⁶ and “great weight”²⁷ in the determination of the final cellulosic biofuel standards. Reconsideration of the Final Rule is thus warranted on this issue.

D. EPA Relied on Undisclosed Producer Production Information

The Final Rule is replete with additional examples where EPA relied on information that AFPM had no opportunity to review and provide comment. In the Final Rule, EPA states that to project the available volume of cellulosic biofuel in 2013 “we have *continued to obtain information* from the potential producers of cellulosic biofuels to help inform our annual projection . . . [and the Agency considered] *updated information from the companies expected to produce cellulosic biofuel.*”²⁸ Although the Final Rule does not provide any detail as to when such discussions with producers occurred or what updated information was submitted to EPA, it is clear that at least some of these *ex parte* discussions and submissions took place after the date of the Proposed Rule and the close of the comment period.

An EPA document recently posted to the docket shows that there were over sixty telephone calls with cellulosic biofuel producers that were not disclosed until one week after the Final Rule was published in the Federal Register.²⁹ These calls included four telephone conversations – which occurred *after* the time period for public comment closed –with the two

²⁵ It is also significant there are substantial differences between the Schaal Letter and the EIA estimate upon which the Proposed Rule was based. The Schaal Letter indicates that EIA’s updated forecast is “inherently uncertain” and, in contrast to EIA’s October 18, 2012 estimates, does not indicate what utilization rate or production volume EIA projects for two cellulosic biofuel facilities, information that is centrally relevant to EPA’s final decision.

²⁶ 78 Fed. Reg. at 49,801.

²⁷ *Id.* at 49,804.

²⁸ 78 Fed. Reg. at 49,803 (emphasis added). In addition, it should be noted that a review of the docket performed on August 15, 2013 did not uncover a technical support document or other documents regarding updated information from cellulosic biofuel producers.

²⁹ See EPA-HQ-OAR-2012-0546-0155, posted September 9, 2013.



companies whose production information EPA relied on to establish the final 2013 cellulosic volume and percentage standards.³⁰ Despite these numerous contacts, however, we are unable to locate any information in the docket that identifies what information was shared with EPA in these meetings, including any technical data on actual fuel production or any projections of “ramp up” schedules for facilities involved. In essence, EPA relied on information in the Final Rule that still has not been made public. Nor is this an isolated event. EPA also apparently relied on other information generated and received after the close of the public comment period. For example, the preamble notes the fact that “INEOS Bio announced that it started commercial production on July 31, 2013.”³¹ Obviously, this announcement occurred well after the close of the comment period.

EPA based the final cellulosic biofuel percentage standard on its projected production volume for only two named facilities: INEOS Bio and KiOR. EPA projected production of 0 to 1 million gallons from INEOS Bio and 3-4 million gallons from KiOR. EPA noted that the Final Rule volume of 4 million gallons (*i.e.*, 6 million ethanol-equivalent gallons) was the midpoint of this range and calculated the percentage standard for cellulosic biofuel on this basis. The data and information that EPA assessed with regard to these two facilities, however, were based on “updated information” from these two facilities and other producers.

The INEOS Bio and KiOR information supporting the Final Rule were not available during the comment period. Stakeholders therefore had no opportunity to review or to provide comment on how or why EPA’s assessment of INEOS Bio and KiOR’s projected 2013 production changed between the Proposed Rule and the Final Rule. Nor was there an opportunity to evaluate whether the new information was credible, why EPA’s assessment of the two facilities varied so widely between the Proposed Rule and the Final Rule, or whether the new information that EPA reviewed should result in a percentage standard for cellulosic biofuel *even lower* than the level established in the Final Rule. EPA’s apparent presumption is that because the Final Rule lowered cellulosic biofuel requirements in comparison to the Proposed

³⁰ *Id.*

³¹ This statement may be based on a press release from INEOS Bio submitted to the docket on August 15, 2013, dated July 31, 2013. Notably, however, this press statement does not specifically project any cellulosic biofuel volume that will be produced that qualifies for RINs in 2013. *See* EPA-HQ-OAR-2012-0546-0149. A review of the docket on August 15, 2013 also did not reveal any information from “potential producers of cellulosic biofuels” or “updated information” from such companies apart from the press release noted above and comments submitted from INEOS BIO on April 8, 2013. The INEOS Bio comments state only that when at full production, 8 million gallons of cellulosic biofuel will be produced and that EPA should lessen production levels for the first half of 2013. Our docket search did not reveal individual comments submitted by KiOR. However, from the preamble to the Final Rule, it can be determined that EPA also considered KiOR’s expected production from its Columbus, Mississippi facility based on a May 9, 2013 quarterly update.



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Rule, this is sufficient to address any concerns the public might have. But AFPM and other commenters had no opportunity to argue that EPA should reject the new information as not being credible or that the information indicated that the cellulosic biofuel volume should be set at less than 4 million gallons (*i.e.*, 6 million ethanol-equivalent gallons). EPA must grant reconsideration to provide AFPM members with such an opportunity.

III. EPA Improperly Adjusted the Final Percentage Standards Based on a Small Refinery/Small Refiner Exemption that it did not Propose or Subject to Public Comment

EPA's Final Rule exempted a small refiner from compliance with the new renewable fuel standards. In the Proposed Rule, however, EPA stated that it had not approved any small refinery or small refiner exemptions for 2013 and "thus no adjustment has been made to the proposed standards to account for such exemptions."³²

EPA's granting of the small refinery/small refiner exemption resulted in adjustment of the final percentage standards, which has meaningful implications for obligated parties.³³ Since EPA did not propose the adjustment, did not specify the annual production volume of the facility involved, and did not propose or take comment on the extent of the change in the final percentage standards, EPA must grant reconsideration to allow for review and comment of these issues.

We are aware that EPA generally provided in the Proposed Rule that if pending exemptions under CAA section 211(o)(9)(A)(ii)(II) were granted before finalizing the standards or a new small refiner or refinery requested an exemption (and it was approved in the time period between proposed rule and final action), EPA would "adjust the standards upward to account for the exempted volumes of gasoline."³⁴ But this generic reference to a possible course of action without any detail as to the volume of gasoline or diesel production involved and the possible effect on final percentage standards is insufficient to put commenters on notice of the resulting impact on other obligated parties. It is wholly impracticable to raise an objection to an action for which no detail has been provided.

³² 78 Fed. Reg. at 9,286.

³³ *Id.* at 49,798.

³⁴ *Id.* at 9,303. EPA should reinterpret how exemptions impact the amount of renewable fuel required in a given year. Congress included the exemption provision in the same section of the statute as the renewable mandates. It is reasonable to assume that the grant of a waiver should reduce the amount of renewable fuel required to be consumed in the time period to which the waiver applies.



Small refiners and small refineries, according to EPA's regulatory definitions, constitute 11.9% of gasoline production and 15.2% of diesel production. Therefore, the potential effects on the final percentage standards of granting exemptions are far from *de minimis*. Substantial costs may be incurred to purchase additional quantities of RINs to comply with the added burden of "making up" for the exempted production volumes. Regardless of whether the Proposed Rule put interested parties on notice of some hypothetical exemption, it was impossible to comment on the specific action that EPA has taken to adjust percentage standards in the Final Rule. Moreover, waiting until August to announce these increased renewable volume obligations ("RVO") for obligated parties is not harmless error given the common compliance strategy of purchasing the requisite number of RINs throughout the calendar year and the recent volatility in the price of RINs.

In discussing the small refiner exemption, EPA acknowledged that it would be inappropriate to adjust the annual standards to reflect waivers issued after the Final Rule due to an inconsistency with the statutory text and an increase in uncertainty for obligated parties:

As stated in the final rule establishing the 2011 standards, 'EPA believes the Act is best interpreted to require issuance of a single annual standard in November that is applicable in the following calendar year, thereby providing advance notice and certainty to obligated parties regarding their regulatory requirements. Periodic revisions to the standards to reflect waivers issued to small refineries or refiners would be inconsistent with the statutory text, and would introduce an undesirable level of uncertainty for obligated parties.' Thus, any additional exemptions for small refineries or small refiners that are issued after today will not affect the 2013 standards.³⁵

Despite this acknowledgement, EPA arbitrarily ignored this rationale in promulgating the renewable fuel standards based on exemptions issued after the November 2012 statutory deadline. EPA's extraordinary delay in issuing the Final Rule exacerbated this error. Exemptions issued to refiners following the statutory deadline should not trigger adjustments to other refiners' RVOs.

³⁵ Id. at 49,825.



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IV. Petition for Waiver of 2013 Cellulosic Biofuel Standard

Pursuant to CAA Section 211(o)(7)(A)(ii), AFPM, on behalf of its member companies,³⁶ submits this petition requesting that the Administrator waive the volumes of cellulosic biofuel required for the 2013 compliance year. This waiver petition is based upon the fact that there will be an “inadequate domestic supply” of cellulosic biofuel available for compliance with the 2013 cellulosic standards promulgated in the Final Rule.

It is clear from current production numbers and cellulosic biofuel producer statements that the actual amount of cellulosic RINs available for compliance with the 2013 standard will be significantly less than EPA’s mandated volume of 6.0 million ethanol-equivalent gallons. As of the date of this petition it is not practical to quantify the exact amount of cellulosic biofuel that must be waived; however, EPA should examine EMTS data on December 31, 2013, and issue a waiver equal to the difference between the 2013 cellulosic biofuel standard and the actual amount of cellulosic RINs available for compliance at the conclusion of the 2013 compliance year.

In support of this waiver request AFPM relies upon KiOR’s statements on August 8, 2013 that it will produce less than half of the cellulosic biofuel that EPA projected.³⁷ AFPM also notes that the EMTS data available at the time of drafting this petition further confirms that the amount of cellulosic biofuel available for compliance with EPA’s cellulosic mandate is inadequate. EMTS data show that only 129,731 D3 RINs and 93,645 D7 RINs have been generated in the first 8 months of 2013, with no RINs generated in August, the last month for which reports are available. These data confirm that there will be an inadequate domestic supply of cellulosic biofuel in 2013 and support AFPM’s petition for a partial waiver of the 2013 cellulosic biofuel standard.

V. Conclusion

There are multiple grounds on which EPA must convene a proceeding to reconsider the Final Rule. In promulgating the Final Rule EPA relied heavily on information and data that was not available during the comment period and for which stakeholders and the public have had no

³⁶ AFPM represents numerous refiners and importers of transportation fuel who are “persons subject to the requirements” of CAA Section 211(o)(2) and entitled to petition for a waiver. The RFS and requirements related to cellulosic biofuel directly implicates the interests of AFPM’s members.

³⁷ *Kior Falls as Biofuel Production Misses Forecast by 75%*, Ehren Goosens, Bloomberg News, accessed at www.bloomberg.com/news/2013-08-08/kior-falls-as-biofuel-production-misses-forecast-by-75-.html?cmpid=yahoo. See also text and notes in Section II, *supra*.



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opportunity to review and provide comment. Moreover, with respect to the cellulosic biofuel standard, the Agency again relied on a methodology that overpredicts actual production and, if this methodology was indeed “new,” was not available for public comment. In addition, EPA also granted a small refinery/small refiner exemption that affected the percentage standards in the Final Rule. This, along with the improper recalculation of percentage standards for total renewable fuel, advanced biofuel, and biomass-based diesel, increased the compliance burden on all other obligated parties.

The process used in the Final Rule is at odds with both the specific requirements set forth in CAA section 211(o)(3) and the general statutory structure of the RFS program. As noted above, the CAA lays out an explicit procedure under which EIA estimates are required *at least 30 days prior* to the time of the determination of RFS volume and percentage standards, thus allowing for public dissemination of the same. The CAA also requires that renewable fuel standards and applicable percentage requirements be finalized at least one month prior to the start of each compliance year. This statutory schedule is intentional and designed to provide obligated parties with sufficient notice to facilitate their compliance with increasingly more onerous and expensive renewable fuel requirements.³⁸

AFPM requests that EPA grant this petition for reconsideration and provide the following relief:

- Describe in detail the methodology EPA used to establish the 2013 cellulosic biofuel volume and percentage standards.
- Analyze why EPA’s methodology to set cellulosic biofuel standards continues to yield inflated production estimates and propose and take comment on modifications to the methodology to correct this legal deficiency.
- Publish and take public comment on information concerning cellulosic production projections and other information that EPA relied on when establishing final 2013 RFS standards.
- Revise all renewable fuel percentage standards based upon EIA’s gasoline and diesel consumption estimates in place prior to the commencement of the 2013 compliance period and explain how EPA will adjust its rulemaking procedure to conform to the statutory deadlines contained in CAA section 211(o) in the future.

³⁸ We would note that CAA section 211(o) also provides EPA with a mechanism to correct errors in projecting renewable fuel standards through waivers provided in CAA section 211(o)(7).



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- Waive the 2013 cellulosic biofuel standard based upon an inadequate domestic supply of cellulosic biofuel available for compliance.

AFPM looks forward to working with the Agency during this process. If you have questions concerning this Petition, please contact the undersigned at (202) 552-8474.

Respectfully submitted,

Richard Moskowitz
General Counsel

cc: Janet McCabe
Christopher Grundler
William Charmley
Paul Machiele

Message

From: Meekins, Tanya [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B7F46E8A314B46D190B600593FCF4AD3-TMEEKINS]
Sent: 3/17/2016 3:50:57 PM
To: Argyropoulos, Paul [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=0149b93d2780437a9c2b6d8477df7991-pargyrop]
Subject: RE: RFS - Hawaii opt-in petition
Attachments: AL-07-001-1043_Hawaii Governor Linda Lingle_incoming.pdf; AL-07-001-1043_Hawaii Governor Linda Lingle_signed response.pdf

Here ya go.

From: Argyropoulos, Paul
Sent: Thursday, March 17, 2016 11:20 AM
To: Meekins, Tanya <Meekins.Tanya@epa.gov>
Subject: FW: RFS - Hawaii opt-in petition

Tanya,

Can you check CMS for the letters noted below?

- Letter to the Honorable Laura Lingle, Governor of Hawaii, from Stephen Johnson of EPA dated July 30, 2007
- Letter back to Hawaii.

Hawaii petitioned EPA on June 22, 2007 to opt into the RFS program, and EPA approved their request. U.S. Environmental Protection Agency, "Renewable Fuel Standard Under Section 211(o) of the Clean Air Act as Amended by the Energy Policy Act of 2005," *72 Federal Register* 66172, November 27, 2007.

Paul Argyropoulos
Senior Policy Advisor
US EPA
Office of Transportation and Air Quality
Phone: 202-564-1123
Mobile: 202-577-9354
Email: argyropoulos.paul@epa.gov
Web: www.epa.gov

- Letter to the Honorable Laura Lingle, Governor of Hawaii, from Stephen Johnson of EPA dated July 30, 2007
- Hawaii petitioned EPA on June 22, 2007 to opt into the RFS program, and EPA approved their request. U.S. Environmental Protection Agency, "Renewable Fuel Standard Under Section 211(o) of the Clean Air Act as Amended by the Energy Policy Act of 2005," *72 Federal Register* 66172, November 27, 2007.

Kelsi Bracmort, Ph.D.
Specialist, Agricultural Conservation and Natural Resources Policy
Congressional Research Service
Phone: 202-707-7283
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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D C. 20460

JUL 30 2007

THE ADMINISTRATOR

The Honorable Linda Lingle
Governor of Hawaii
State Capitol
Honolulu, Hawaii 96813

Dear Governor Lingle:

Thank you for your letter dated June 22, 2007, requesting the Environmental Protection Agency's approval of Hawaii's petition to opt-in to the Renewable Fuels Standard (RFS) program. I fully support your desire for Hawaii to participate in this important program. This program is designed to encourage the blending of renewable fuels into our nation's motor vehicle fuel supply, which helps the transition to petroleum alternatives in the transportation sector and reduces emissions of greenhouse gases.

Your petition meets all of the requirements to opt-in, and I hereby approve it under 40 CFR 80.1143. Accordingly, as of January 1, 2008, all non-exempt refiners that produce gasoline within Hawaii or importers that import gasoline into Hawaii will be obligated parties under 40 CFR 80.1106 of the RFS program and will be required to comply with the renewable fuel standard. All non-exempt renewable fuel producers and importers in Hawaii will be required to generate renewable identification numbers (RINs) and assign them to batches of renewable fuel as provided in 40 CFR 80.1126. Exporters of renewable fuels will also be regulated parties as provided in 40 CFR 80.1130. Following the requirements in the RFS regulations, a Federal Register Notice will be issued announcing the approval of your petition in concert with the publication of the 2008 standard by November of this year.

Again, thank you for your letter. If you have further questions or concerns, please call me or your representative may contact Mayor Randy Kelly, in EPA's Office of Congressional and Intergovernmental Relations, at (202) 564-3126.

Sincerely,

Stephen L. Johnson

COMMITTEE ON ENERGY AND COMMERCE
Subcommittees:

Ranking Member: Commerce,
Manufacturing, and Trade

Health

Oversight and Investigation

CHIEF DEPUTY WHIP

Congress of the United States
House of Representatives
Washington, DC 20515-1309

5533 N. BROADWAY, SUITE 2
CHICAGO, IL 60640
Telephone: 773-506-7100
Fax: 773-506-9202

1852 JOHNS DRIVE
GLENVIEW, IL 60025
Telephone: 847-328-3409
Fax: 847-328-3425

August 31, 2016

Ms. Gina McCarthy
Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, DC 20460

Dear Administrator McCarthy,

I write to urge you to reject Valero Energy Corporation's petition to change the definition of "obligated party" in the Renewable Fuel Standard (RFS) program (40 C.F.R. § 80.1406).

Recently, investor Carl Icahn sent a letter to the Environmental Protection Agency (EPA) with unsubstantiated claims about the adverse effects of EPA regulations. In a subsequent live interview on CNBC, Mr. Icahn made the absurd claim that the EPA is "bankrupting a lot of our refineries."¹ Beneath the hyperbole, Mr. Icahn's main concern seems to be the RFS definition of "obligated party," in place since 2007.² Changing this definition could undermine a critical tool to advance our nation's energy independence.

Mr. Icahn's complaint follows the Petition for Rulemaking filed by Valero Energy Corporation on June 13, 2016,³ which seeks to change the definition of "obligated party." Currently, importers and refiners are obligated under the RFS to meet certain renewable fuel volume requirements. This obligation makes sense given the centrality of petroleum refiners and importers to the supply chain of non-renewable fuels in this country. Valero wants the definition changed so that only rack sellers and "enterers" of gasoline and diesel would be obligated parties. Valero's petition has been seconded by CVR Energy,⁴ which is 82-percent-owned by Carl Icahn.⁵

¹ Pramuk, Jacob. "Carl Icahn: The 'Archie Bunkers of the world' will support Trump on the economy." CNBC. August 9, 2016. <http://www.cnbc.com/2016/08/09/carl-icahn-i-think-donald-trump-is-right-on-about-the-economy.html>

² Federal Register / Vol. 72, No. 83 / Tuesday, May 1, 2007 / Rules and Regulations. Page 23908. Section II, Subsection B, Subsection 2: "Who Must Meet the Standard?"

³ Walsh, Richard J. – Senior Vice President and Deputy General Counsel Litigation and Regulatory Law – Valero. "Re: Petition for Rulemaking: Renewable Fuel Standard Definition of Obligated Party – 40 C.F.R. § 80.1406." June 13, 2016.

⁴ Lipinski, John J. "Re: Comments on Renewable Fuel Standard Program: Standards for 2017 and Biomass-Based Diesel Volume for 2018; Proposed Rule." Dated: July 11, 2016. See Page 2.

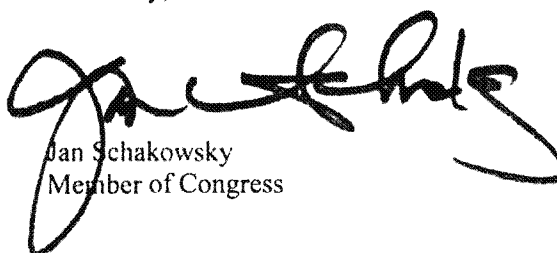
⁵ Icahn purchased 82% of CVR Energy's outstanding stock for \$30 per share in May of 2012 (See: CVR Energy 2015 10-K, page 6.)

CVR's Coffeyville Refinery in Kansas was subject to obligations under the RFS before Icahn Enterprises became CVR's controlling shareholder in 2012.⁶ The timing of Mr. Icahn's public campaign against the EPA and the "obligated party" definition coincides with a decline in CVR Energy's stock price. CVR Energy stock now trades at about half of Mr. Icahn's purchase price of \$30.⁷ Nevertheless, CVR's refining segment reported \$291.2 million in net income in 2015.⁸ The company believes it could increase operating profits by as much as \$200 million should it no longer be obligated to purchase RINs.⁹

The EPA does not need to bail out refiners struggling with low refinery crack spreads (the margin between the price of crude oil and its refined products). The definitional change that CVR and Valero seek could undermine progress on renewable fuels. It would incentivize refiners to turn the blendstock amenable to blending with renewables into a specialty product, which might then be priced at a premium.¹⁰ For renewable fuels to remain marketable, they must be price-competitive with their non-renewable counterparts. Without that price competitiveness, the RFS would fail to promote the use of renewable fuels in the way that Congress intended.¹¹ In addition, changing the definition of "obligated party" to rack sellers and downstream marketers would impose significant new enforcement and administration costs on the EPA.¹²

Knowing of your leadership in protecting the environment and adopting an effective and workable RFS, I again urge you to reject Mr. Icahn's self-serving arguments and decline the proposed definitional change. Thank you in advance for your attention.

Sincerely,



Jan Schakowsky
Member of Congress

⁶ CVR Energy acquired the Wynnewood refinery on December 15, 2011. At the time, it had a "small refiner" exemption and was given a two year extension of time to comply with the RFS. See: CVR Energy 2011 10-K, Pages 7 and 17. The Coffeyville Refinery's "small refiner" exemption expired on December 31, 2010 and was required to begin complying with the RFS on January 1, 2011. See: CVR Energy 2010 10-K, Page 13, and CVR Energy 2011 10-K, Page 17.

⁷ CVR Energy stock closed on August 15, 2016 at \$14.50.

⁸ CVR Energy 2015 10-K, page 73.

⁹ Lipinski, John J. "Re: Comments on Renewable Fuel Standard Program: Standards for 2017 and Biomass-Based Diesel Volume for 2018; Proposed Rule." Dated: July 11, 2016. See Page 3.

¹⁰ See National Association of Truckstop Operators (NATSO), "Re: Renewable Fuel Standard Program: Standards for 2017 and Biomass-Based Diesel Volume for 2018 [EPA-HQ-OAR-2016-004; FRL-9946-90-OAR]." Page 6.

¹¹ "Given motor fuel consumers' price sensitivity, it is imperative that renewable fuels be sold on a cost competitive basis with traditional petroleum based fuels if they are to achieve the type of market penetration that the RFS envisions." NATSO. "Re: Renewable Fuel Standard Program: Standards for 2017 and Biomass-Based Diesel Volume for 2018 [EPA-HQ-OAR-2016-004; FRL-9946-90-OAR]." Page 6.

¹² See: National Association of Truckstop Operators (NATSO), "Re: Renewable Fuel Standard Program: Standards for 2017 and Biomass-Based Diesel Volume for 2018 [EPA-HQ-OAR-2016-004; FRL-9946-90-OAR]." See bottom of Page 7.

Message

From: Sargeant, Kathryn [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=2D883D76F4F5401EA938362B26B582C9-SARGEANT, KATHRYN]
Sent: 3/6/2014 8:18:16 PM
To: Argyropoulos, Paul [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=0149b93d2780437a9c2b6d8477df7991-pargyrop]; Lewis, Josh [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b22d1d3bb3f84436a524f76ab6c79d7e-JOLEWIS]; Machiele, Paul [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b71a67c326714ebbaa72eda552e55282-Machiele, Paul]
CC: Hengst, Benjamin [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c414e2bf04a246bb987d88498eefff06-Hengst, Benjamin]; Ghanta, Venu [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=7cf46c0305194992a35fd4fa7b1b78fc-vghanta]; Haman, Patricia [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=0ebb27cd881d41b19a30a491dc3f3f57-phaman]
Subject: RE: Tier 3 briefing for House Energy and Commerce staff
Attachments: Tier 3 Final Rule Overview for Hill Staff.pptx

That day and time work for me.

I'm reattaching the current draft in case people want to think about it again. (It's the same as what I sent around last weekend).

Paul A, I am at a loss of how to respond to your comment below; words fail me.

From: Argyropoulos, Paul
Sent: Thursday, March 06, 2014 2:41 PM
To: Lewis, Josh; Sargeant, Kathryn; Machiele, Paul
Cc: Hengst, Benjamin; Ghanta, Venu; Haman, Patricia
Subject: RE: Tier 3 briefing for House Energy and Commerce staff

Works for me. I'll be eye candy.....although of the nature of spit out unwanted, nasty tasting candy.

Paul Argyropoulos
Senior Policy Advisor
US EPA
Office of Transportation and Air Quality
Phone: 202-564-1123
Mobile: 202-577-9354
Email: argyropoulos.paul@epa.gov
Web: www.epa.gov

From: Lewis, Josh
Sent: Thursday, March 06, 2014 2:22 PM
To: Sargeant, Kathryn; Machiele, Paul
Cc: Hengst, Benjamin; Ghanta, Venu; Haman, Patricia; Argyropoulos, Paul
Subject: Tier 3 briefing for House Energy and Commerce staff

House E&C has asked for a briefing Monday 3/10 from 1-2 pm. The plan is to have one/both of you on the phone to do the bulk of the briefing, and Paul A. and I will go up in person to sit w/ the staff who attend (probably 10-15 staff will participate). Let me know if that time/plan works for you.

Josh Lewis

EPA/Office of Congressional and Intergovernmental Relations

Desk: 202 564 2095

Cell: **Ex. 6**

Office of the Governor

July 16, 2014

The Honorable Gina McCarthy
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, D.C. 20460

Dear Administrator McCarthy,

Wyoming refineries and consumers face unique circumstances placing them at a disadvantage in compliance with the Renewable Fuel Standard (RFS). I have outlined recommendations to alleviate these problems for your consideration.

Wyoming's refineries supply gasoline and diesel fuel to Rocky Mountain states' residents, tourists, and industry. The RFS was created in the Energy Policy Act of 2005 and its requirements were further expanded in the Energy Independence and Security Act of 2007. Congress recognized small refineries, such as those in Wyoming, will have difficulty complying with the RFS. Congress specifically gave the Environmental Protection Agency (EPA) authority to exempt or adjust RFS requirements for facilities with compliance hardships.

Wyoming refineries experience material and disproportionate financial hardship in RFS compliance. The RFS compliance is tracked through purchased renewable identification numbers (RIN). A RIN represents an amount of biofuel blended into gasoline or diesel. Refineries are required to purchase and submit RINs to the EPA to demonstrate compliance with the RFS. Wyoming is the only state in the nation where refining diesel exceeds refining gasoline. The Energy Information Agency of the U.S. Department of Energy reports that typical blending of biodiesel yields about one third of the RINs necessary to meet RFS requirements. This creates a deficit of RINs for Wyoming refineries, requiring purchase of additional RINs to remain compliant while contemporaneously providing sufficient diesel fuel supply to consumers. On a per-barrel basis, Wyoming refineries may face the most difficult and costly RFS compliance burden nationwide.

As currently set forth, the RFS is unattainable for Wyoming's refineries. Biodiesel blending is not currently available in Wyoming – making the only RFS compliance options available to Wyoming refineries a decrease in diesel fuel production, and/or the purchase of extraordinary volumes of RINs. Both solutions drive up fuel costs in Wyoming and hurt refinery profitability. This was not the intent of the RFS program.

In 2013, the EPA proposed a reduction in 2014 biofuel blending requirements. This was welcome news and lowered some biofuel RIN costs. The proposed reduction resulted from the RFS approaching the “blend wall.” Even after this proposed reduction, grain ethanol RINs are eight to nine times more expensive now than in December 2012. This presents an even greater economic hardship to Wyoming refineries compelled to purchase extraordinary volumes of RINs.

The economic hardships faced by Wyoming refiners, along with my suggested recommendations, are:

- 1) Wyoming merchant refiners (where refining is their primary or sole business and with limited or no ownership over the downstream terminals) are the refineries with the most biofuel blending and where most RINs are generated. These refineries generally do not own biofuel production nor do they control biofuel blend offerings in downstream terminals. Merchant refiners that do not own or control downstream blending are clearly disadvantaged as obligated parties. The RFS regulation should be amended to define the RFS obligated party as the location where blending actually occurs and RINs are generated – which is typically at the terminal level.
- 2) Wyoming currently does not engage in biodiesel blending. I am informed that biodiesel blending will soon be offered at some refinery terminals but there is consumer reluctance to use the blend. Wyoming’s high elevations and cold temperatures may contribute to the lack of demand for biodiesel. The RFS regulations should be amended to recognize deficient RIN treatment of typical biodiesel blending. Without this change, Wyoming will be disadvantaged by the RFS regulation. The RIN deficiency connected with diesel fuel is a major RFS problem. This change is necessary for refineries who supply areas, such as Wyoming, where diesel fuel consumption exceeds national averages.
- 3) Wyoming produces grain ethanol which at maximum capacity can supply only about one third of the ethanol needed to achieve a statewide E-10/gasoline blend. In 2012, approximately 75% of the corn processed at the only Wyoming ethanol plant came from outside the state. There are no biodiesel plants in Wyoming. A large majority of biofuels must be railed or trucked across Wyoming from plants outside the region – this increases fuel costs to the consumers. I urge EPA to use its authority to exempt, in whole or in part, RFS obligations for Wyoming refineries that experience and document disproportionate RFS regulatory impacts. This is within the control of EPA. The RFS will effectively eliminate the incentive to invest in these refineries as it continues to drain profitability from Wyoming refineries. These refineries provide diesel fuel necessary to Wyoming’s citizens and economy.
- 4) Merchant refiners are unfairly disadvantaged compared to vertically integrated refiners. This results from the point of compliance where RINs are purchased. Vertically integrated refiners are passing along a portion of their compliance costs to merchant refiners. Merchant refiners must reduce their selling price to cover additional compliance

costs passed on to them. The point of compliance should be moved to the petroleum fuel loading rack eliminating the imbalance. This ensures each entity will pay its full cost of compliance and does not upset the compliance system.

- 5) At the current requirements, the amount of renewable fuels that will be blended into traditional motor fuels will cross the "blend wall." EPA acknowledged this in the 2014 draft RFS requirements. Passing the "blend wall" can be detrimental to motor vehicles. I request the EPA to stay the course and reduce the required renewable fuels to a level that does not breach the "blend wall."

In 2012 during severe drought conditions, I and other governors asked the EPA to partially waive the corn ethanol mandate. EPA did not accept this request. The exacerbation of regulatory burden brought about by drought and hardships from the burdens detailed in this letter are not the intent of the RFS program. I ask the EPA to weigh these consequences to Wyoming's economy, refineries and people and to implement the recommendations I have detailed. These recommendations will allow Wyoming to reasonably meet the substantive goals of the RFS program and reduce harsh and unintended burdens.

Sincerely,



Matthew H. Mead
Governor

MHM:mdm

cc: The Honorable Mike Enzi, U.S. Senate
The Honorable John Barrasso, U.S. Senate
The Honorable Cynthia Lummis, U.S. House of Representatives
Mr. Christopher Grundler, Director, Office of Transportation & Air Quality, E.P.A.

Message

From: Korotney, David [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=7B00E16E09654B94BC6146550CA87936-KOROTNEY, DAVID]
Sent: 1/17/2014 3:07:31 PM
To: Audette, Lucie [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=e2e4c9a6f94540a3ac2cb8ef952bc4d9-Audette, Lucie]; Machiele, Paul [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b71a67c326714ebbaa72eda552e55282-Machiele, Paul]; Burkholder, Dallas [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=667ef175292d4784997e454a9985b3b3-Burkholder, Dallas]; Hengst, Benjamin [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c414e2bf04a246bb987d88498eefff06-Hengst, Benjamin]; Argyropoulos, Paul [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=0149b93d2780437a9c2b6d8477df7991-pargyrop]; Dubois, Roland [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=835458b87b574ccbb1704415df8413d1-RDUBOIS]
Subject: RE: For Review: Plan for Addressing Outstanding 2013 RFS standard Issues
Attachments: Addressing Outstanding Issues with 2013 RFS Standard_ Draft Timeframe_ Jan 16 2014 - DK.pptx

A few thoughts in red.

From: Audette, Lucie
Sent: Thursday, January 16, 2014 2:16 PM
To: Machiele, Paul; Burkholder, Dallas; Hengst, Benjamin; Korotney, David; Argyropoulos, Paul; Dubois, Roland
Subject: For Review: Plan for Addressing Outstanding 2013 RFS standard Issues

Here is a revised version of the slides based on our discussions yesterday afternoon. I tried to link all the outstanding issues together based on Paul's point that this made the most strategic sense. Please comment! Thanks. Lucie



September 24, 2013

The Honorable Gina McCarthy
Administrator
U.S. Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Administrator McCarthy:

On behalf of the members of the Biotechnology Industry Organization (BIO), which include advanced and cellulosic biofuels producers, we are writing to urge the U.S. Environmental Protection Agency (EPA) to deny the joint petition recently filed by the American Petroleum Institute (API) and American Fuel and Petrochemical Manufacturers (AFPM) (together "petitioners") requesting the EPA grant a partial waiver of the 2014 applicable volumes of the federal Renewable Fuel Standard (RFS) pursuant to section 211(o)(7)(A) of the Clean Air Act (CAA)¹ (hereinafter "joint petition").

BIO is the world's largest biotechnology organization, with more than 1,100 member companies worldwide. BIO represents leading technology companies in the production of conventional and advanced biofuels and other sustainable solutions to energy and climate change. BIO also represents the leaders in developing new crop technologies for food, feed, fiber, and fuel.

BIO urges the EPA to deny the joint petition for several reasons. First, the petitioners do not meet the requirements to file the joint petition. The joint petition is also premature. The petitioners cannot demonstrate harm when the 2014 renewable volume obligations (RVOs) have not even been formally proposed. Moreover, most of the harm they predict would be the direct result of dilatory tactics demonstrated generally by many petroleum companies and refiners, member companies of the petitioners, and other obligated parties since the start of the RFS. These tactics are designed to chill investment and thwart the policy goal to encourage greater use of renewable fuels in the United States.²

The 2014 RVOs should be set as always through the use of the best market information possible to, as accurately as possible, determine projected production and supply availability. Following this process, there are a number of compliance options for 2014. In addition, contrary to petitioners' arguments, there are solutions to the blend wall, including the use of higher blends of biofuels, greater distribution of biofuels, increased production of flex fuel vehicles, and greater use of drop-in fuels.

¹ Letter from the American Fuel & Petrochemical Manufacturers and American Petroleum Institute to U.S. Environmental Protection Agency Administrator Gina McCarthy, August 13, 2013, at 1 [Hereinafter "The Joint Petition"].

² *Trade group requests U.S. probe of oil industry's efforts to impede renewable fuels*, <http://eenews.net/eenewspm/2013/03/19/archive/9?terms=RFA%2C+ConocoPhillips>



I. API and AFPM Do Not Meet the Requirements Under the RFS to File the Joint Petition

EPA should deny the joint petition because API and AFPM do not meet the requirements under the RFS to file such a petition. Under Section 211(o)(7)(A) of the Clean Air Act, such a petition may only be filed by "one or more States, ... any person subject to the requirements of this subsection, or ... the Administrator on his own motion."³ Here, neither API nor AFPM are subject to the RFS requirements, so they do not meet the criteria to qualify to file a petition to EPA to waive all or part of those requirements. The plain language of the statute makes it clear that these trade associations may not request waivers of all or part of the annual RFS requirements. Therefore, EPA should deny their joint petition.

II. The Joint Petition is Not Ripe

In addition, EPA should deny the joint petition because it and the relief it requests are premature. It is absurd for the petitioners to request a partial waiver of the 2014 RVOs before they even know the 2014 RFS RVOs that EPA will propose. The joint petition has been filed before EPA has even issued its proposed rule setting the 2014 RFS RVOs. It is not appropriate for petitioners to try to unduly influence the 2014 RVOs outside of the established regulatory process. Therefore, any arguments petitioners wish to make should be filed during the public comment period after EPA issues its proposed 2014 RFS rule.

Moreover, in its 2013 RFS final rule, EPA has already indicated that it is aware of the petitioners exaggerated claims and, if needed, may make appropriate adjustments to the 2014 RFS RVOs.⁴ Here, the petitioners are requesting relief from the 2014 statutory RVOs when they know that EPA makes annual adjustments to them based on market and supply realities and when EPA has already committed to making appropriate adjustments. The petitioners should wait to see the proposed 2014 RVOs and attempt to influence them during the public comment period.

III. The Joint Petition Misconstrues the RFS, its Goals and the Suite of Options for Compliance

Under Section 211(o)(7)(a) of the Clean Air Act, the Administrator may waive RFS RVO obligations in whole or in part, *after public notice and opportunity to comment*, if she determines that (1) implementation of the requirements would severely harm the economy or environment of a State, a region, or the United States, or (2) that there is an inadequate domestic supply.⁵ Petitioners turn the statute's language on its head to argue that blend wall concerns will reduce the RINs available for RFS compliance, forcing refiners to restrict the domestic supply of fuel, which will then impose devastating costs on consumers and thus severely harm the U.S. economy. The reality is that because they have blocked investment in infrastructure and created marketing challenges for higher blends of biofuels, the petitioners are now requesting the Administrator waive the 2014 RVOs to 9.7 percent of

³ Clean Air Act, 42 U.S.C. § 7545(o)(7)(A), [hereinafter "CAA"].

⁴ *Regulation of Fuels and Fuel Additives: 2013 Renewable Fuel Standards; Final Rule*, Environmental Protection Agency, 78 Fed. Reg. 158, 49794, 49798, Aug. 15, 2013, available at: <http://www.gpo.gov/fdsys/pkg/FR-2013-08-15/pdf/2013-19557.pdf>. [Hereinafter, "the 2013 RFS Final Rule"].

⁵ CAA, 42 U.S.C. §7545(o)(7)(A).



the domestic fuel supply. They created the very situation from which they are requesting relief.

Multiple compliance options exist for petitioners' members. Simply stated, the reason for petitioners' concern about any lack of availability of sufficient RINs is due to the continuing dilatory tactics of obligated parties not to prepare for the blend wall transition. This situation was anticipated at the outset of RFS implementation, nearly five years ago. It is not because of "constraints imposed by fueling infrastructure and problems of gasoline engine incompatibility." In fact, there are a host of RFS compliance choices explained in detail below, which taken together provide obligated parties sufficient flexibility and time to plan compliance strategies for 2014 and beyond. Since these compliance options exist, obligated parties have sufficient tools to plan ahead for the accumulation of RINs to meet their 2014 RFS RVOs. While some individual refiners may choose to restrict U.S. fuel supply as a compliance strategy, market competition and the increasing production of biofuels will work in tandem so such a restriction will not harm the U.S. economy or consumers.

Below, please find a more detailed discussion of the realities of the so-called blend wall and the suite of RFS compliance options that exist for petitioners' members.

Petitioners in the joint petition define the blend wall as "the point at which the RFS attempts to force the use of more renewable fuels than can be consumed in the United States, due to fundamental constraints imposed by fueling infrastructure and problems of gasoline engine incompatibility."⁶ They further describe the blend wall as unavoidable under the *statutory* RFS volumes.⁷

This definition, and the suggested *unavoidable* inevitability that flows from it, is simply a complete fabrication that the obligated parties and their leading voices are using to try to break the RFS. The limits to market access for biofuels through the anticipated "blend wall" represent a series of barriers contrived by the oil refining industry to prevent biofuels from gaining access to the marketplace.⁸ The RFS is not attempting to force more renewable fuels than *can* be consumed in the United States, as petitioners assert⁹; it is attempting to force a reduction of reliance on foreign oil, and it is working. Further, EPA's annual rulemakings on RVOs based on actual projected production helps control the situation so the RFS does not force consumption of more renewable fuels than can be produced. The fact is that the blend wall is not due to infrastructure and engine constraints, but rather as we state above and throughout this letter, it is due to the ongoing dilatory and anticompetitive tactics of the oil refining industry. Obligated parties have had more than five years to begin establishing the infrastructure necessary to distribute RFS-mandated fuel volumes, but have taken few steps to do so. Their assertions that the blend wall is prohibitive to distribution of greater volumes of biofuels only seek to undermine the development of homegrown biofuels that promote America's energy security, the biobased economy, and rural development.

⁶ See The Joint Petition at 1-2

⁷ *Id* at 2.

⁸ *Fill Up With Ethanol? One Obstacle is Big Oil*, <http://online.wsj.com/article/SB117547886199856472.html>

⁹ See The Joint Petition at 1.



A. Obligated Parties Have Chosen Not to Prepare for the Anticipated Blend Wall Transition

Congress first passed the RFS in 2005, and enhanced it and its target volumes of renewable fuels in 2007. In setting the 2022 targets that represented more than 20 percent of projected fuel demand, it is clear that Congress intended the RFS to drive biofuel adoption well beyond the threshold of 10 percent of total fuel consumption. The system of credits and other compliance options articulated in the RFS statute clearly also anticipated the role of RIN-driven market forces in achieving this broader adoption.

Following passage of the Energy Independence and Security Act of 2007 (EISA), EPA anticipated the blend wall when implementing the RFS, stating that "...[c]omplete saturation of the gasoline market with E10 is referred to as the ethanol "blend wall."¹⁰ The height of the blend wall in any given year is directly related to gasoline demand. This was also reflected in AEO 2009, where EIA projected that gasoline demand would peak around 2013 and then start to taper off due to vehicle fuel economy improvements. Based on the primary ethanol growth scenario, we're forecasting under today's RFS2 program, the nation is expected to hit the 14-15 billion gallon blend wall around 2014...although it could be sooner if gasoline demand is lower than expected. It could also be lower if projected volumes of non-ethanol renewable do not materialize and ethanol usage is higher than expected.

Estimates on fuel projections were revised after the U.S. and world economy fell into a prolonged recession, reducing energy consumption. In addition, sustained high oil prices have kept gasoline prices well above average, reducing demand. At the same time, automakers began implementing higher CAFE standards, further reducing U.S. domestic demand for fuel. As worldwide economic growth resumed, overseas demand for finished fuel products grew, while U.S. demand continued to decline, prompting petroleum refiners to focus on export markets.

While this confluence of developments has hastened the transition across the E10 ethanol blend threshold, the eventual transition was clearly anticipated in the law, and should have factored into fuel distribution plans of any obligated party intending to comply with the law. Indeed, some obligated parties have adequately anticipated the blend wall by incorporating greater distribution of E85 into their business models, or by investing in development of advanced drop-in biofuels. Unfortunately, some obligated parties have elected to resist incorporation of biofuels and instead challenge the law itself, including through the current waiver petitions.

B. Suite of RFS Compliance Options Exist

Despite certain specious arguments raised in the joint petition, there are a number of compliance options for 2014 and solutions to the blend wall, including the use of higher blends of biofuels, greater distribution of biofuels, increased production of flex fuel vehicles, and greater use of drop-in fuels. As discussed in more detail below, market economics of RINs under the RFS program are already driving investment in each of these options. Because of these factors, we can anticipate a rapid increase in availability of both higher

¹⁰ *Regulation of Fuels and Fuel Additives: Changes to Renewable Fuel Standard Program; Final Rule*, Environmental Protection Agency, 78 Fed. Reg. 58, 14669, 14759, Mar. 26, 2010, available at: <http://www.gpo.gov/fdsys/pkg/FR-2010-03-26/pdf/2010-3851.pdf>.



ethanol blends and drop-in alternatives – but only to the extent obligated parties allow market access to these fuels.

Due to flexibility already provided by the RFS, any challenges encountered under the blend wall transition can be mitigated through the compliance mechanisms established in the law. Further, the RFS does not specifically require use of ethanol. Thus, if challenges do arise under the blend wall transition, other biofuels not subject to the ethanol blend wall, such as biobutanol, biodiesel, or renewable hydrocarbons, will rapidly increase in market value. These market forces should hasten the commercial deployment of these alternatives, significantly mitigating blend wall pressure.

i. The Inherent Flexibility of the RFS Ensures Sufficient RFS Compliance Options

The RFS itself contributes to a solution to the blend wall for RFS compliance purposes. Under the law, EPA is directed to adjust and set the following year's RVOs by November 30th based on realistic market predictions of production and available supply.¹¹ To date, EPA has significantly reduced the cellulosic RVOs each year to comport with that market information. It has chosen to maintain the overall RVOs and undifferentiated advanced RVOs. Though, the Agency does have the discretion under the law to adjust any or all of the volume categories downward based on market supply information and expectations.

In fact, in EPA's recently issued final rule setting the 2013 RFS RVOs, the Agency recognized potential challenges to RFS compliance imposed by the blend wall transition. Accordingly, EPA suggested that it may consider adjusting all RVOs downward to help ensure the ability of obligated parties to comply with their RFS RVOs.¹² As we indicated above, given this significant language that affirms EPA's discretion and flexibility, the joint petition is not ripe. How can petitioners demonstrate harm to obligated parties or to the economy of the United States based on RVOs that have not even been formally proposed, and which, in any event, are expected to be reduced?

The RFS also directs and provides EPA the authority to approve new fuel pathways for RFS compliance under the RFS. ***BIO urges the Agency to use this authority and work to quickly approve new fuel pathways so the advanced and cellulosic requirements can be met now, next year and the years ahead.***

ii. Higher Blends of Ethanol Are a Solution to the Blend Wall

Greater use of ethanol blends is a solution to the blend wall that involves no new technological development or regulatory approval. One piece of the blend wall solution could be to facilitate greater consumer use of E85 fuel (a blend of 85 percent ethanol and 15 percent gasoline) through investment in downstream petroleum infrastructure (blender pumps, etc.) and Flex Fuel Vehicles (FFVs) that can run on that type of fuel. E85 is approved for use in flex fuel vehicles and could go a long way toward meeting the renewable fuel requirements under the RFS, with the right investments. Just recently, Iowa

¹¹ CAA, 42 U.S.C. § 7545(o)(3)(B).

¹² See The 2013 RFS Final Rule, at 49823.



State University's Center for Agriculture and Rural Development released a new study called "Price it and They Will Buy: How E85 Can Break the Blend Wall."¹³ The study's authors conclude that attractively priced E85 can quickly lead to increased consumption of that fuel by as much as three billion gallons over the next two years. Further, they explain that high RIN prices actually serve to incentivize obligated parties to quickly increase E85 consumption because greater consumption of that fuel reduces RINs prices and thus their RFS compliance costs.

More than 90 percent of new cars sold today in Brazil are flex fuel vehicles, and about half of the country's entire fleet has changed over to flex fuel vehicles in less than a decade.¹⁴ U.S. automakers previously made commitments to increase production and sales of flex-fuel vehicles.¹⁵

Another higher blend that has been approved for use in motor vehicles 2001 and newer and can help overcome the blend wall is gasoline that contains up to 15 percent ethanol blend (E15). Petitioners contend that E15 is not a viable solution to the blend wall partly because it is incompatible with the existing vehicle fleet and because of misfueling concerns. However, as a recent Congressional Research Service report explains,

"[i]n response to industry concerns regarding the...blend wall, the EPA, after substantial vehicle testing, issued a partial waiver for gasoline that contains up to a 15% ethanol blend (E15) for use in model year 2001 or newer light-duty motor vehicles (i.e., passenger cars, light-duty trucks, and sport utility vehicles), but announced that no waiver would be granted for E15 use in model year 2000 and older light-duty motor vehicles, as well as in any motorcycles, heavy duty vehicles, or non-road engines...According to the Renewable Fuel Association (RFA), the approval of E15 use in model year 2001 and newer passenger vehicles **expand[ed] eligibility to 62% of vehicles on U.S. roads at the end of 2010.**"¹⁶

On the petroleum downstream infrastructure side, there are a number of investments that need to be made. In the joint petition, API and AFPM suggest that obligated parties have little impact over new infrastructure investments and decisions that would further enable distribution of higher ethanol blends because the majority of retail gasoline stations are "not owned or operated by the RFS obligated parties."¹⁷ This is not true. For instance, a major impediment to consumer choice is obligated parties blocking station owners from putting in blender pumps that would allow consumers to choose higher blends of biofuels in gasoline.¹⁸ Blender pumps would allow consumers to modify upward the blend of biofuels they desire to purchase. In addition, obligated parties could facilitate marketing arrangements to help

¹³ Bruce Babcock and Sebastien Pouliot, "Price it and They Will Buy: How E85 Can Break the Blend Wall," CARD Policy Brief 13-PB 11, Iowa State University, August 2013, available at: <http://www.card.iastate.edu/publications/dbs/pdf/files/13pb11.pdf>

¹⁴ UNICA, "Brazilian Transportation Fleet," Sugarcane.org, <http://sugarcane.org/the-brazilian-experience/brazilian-transportation-fleet>

¹⁵ Beth Evans, "Automakers do not see big US demand for flex-fuel vehicles," Platts, 7 Feb. 2013. <http://www.platts.com/RSSFeedDetailedNews/RSSFeed/Oil/6131220>

¹⁶ Schnepf, R. and Yacobucci B. "Renewable Fuel Standard (RFS): Overview and Issues." Congressional Research Service, R40155, March 14, 2013. Available at <http://www.fas.org/sgp/crs/misc/R40155.pdf>. (emphasis added).

¹⁷ See The Joint Petition, at 2, 19.

¹⁸ 'Big oil' may block branded retail blender pumps: Green Plains <http://www.platts.com/RSSFeedDetailedNews/RSSFeed/Oil/8102457>



incentivize consumers to use higher blends. Other forms of investment to move towards higher blends could involve even greater investment in production and proposed ethanol pipelines to move large quantities of biofuels to high-population areas.

FFVs have the capacity to run on biofuel blends ranging from 0 percent to 85 percent. Thus, depending on the blend, consumers who drive one of the more than 14 million FFVs on the road today will have the opportunity to fuel their cars at retail stations that carry the higher blends. As E85 becomes a competitive fuel, and if the obligated parties such as petitioners' members allow market access to these higher level fuels, demand for FFVs will presumably grow as it did in Brazil during the 2003 to 2006 time period.

iii. Cellulosic and Advanced Biofuels Help Achieve RFS Compliance

Another way to address the blend wall is to increase investment in and development of "drop-in biofuels," which have the same properties and composition as petroleum-based fuels and may be used in the existing infrastructure. Because of these factors, existing downstream petroleum infrastructure and engines can run on these fuels even at blends beyond 10 percent. These biofuels, including biobutanol, may be produced from any starch or sugar-based biomass (that achieve a greater than 50 percent lifecycle reduction of greenhouse gas emissions) and blended using existing infrastructure at blends much higher than 10 percent. Due to biobutanol's higher energy content this is equivalent to 21 percent ethanol. Biobutanol has been endorsed by the National Marine Manufacturers Association.

The primary challenge for drop-in biofuels is scale, but this could be addressed with greater investment in this technology (which is supported by the stability of the RFS policy). Certainly as one option to address the blend wall, drop-ins have some very attractive features: they require no change in existing infrastructure and are feedstock flexible and may be produced from both starch, cellulosic or sugar-based biomass sources. In addition, existing ethanol facilities may be cost-effectively retrofit to produce biobutanol and other drop-in biofuels.

The expansion of aviation biofuels as drop-ins would be another potential solution to the blend-wall. Currently, sustainable aviation biofuels, derived from biomass-based plant material and waste fats, are approved for use in many jet engines up to a 50 percent blend, including in all Navy and Air Force engines. This fuel is a drop-in substitute for fossil-based petroleum currently used in aviation. Some commercial airlines have flown test flights on blends of sustainable aviation fuel, and aviation is well-suited for rapid deployment of drop-in biofuels. These drop-in fuels for the commercial aviation industry has system-wide advantages including the ability to use current infrastructure: drop-in biofuels use the same pipelines and tanks as petroleum. Commercial aviation fuels also have highly concentrated nodes of supply and demand, where the largest 40 U.S. airports account for more than 90 percent of jet fuel used by commercial aviation. Thus, if sustainable aviation biofuel producers can deliver to the 40 large airports, in a cost effective manner, they will have access to a large portion of the commercial jet-fuel market.

To date, cellulosic and advanced biofuel companies have invested more than \$5 billion dollars in commercializing new technology and feedstock combinations. Commercializing new fuel production technologies has required scaling up through pilot and demonstration projects, taking several years and requiring millions of dollars in capital. Leading companies



are at present building, starting up and operating first-of-a-kind commercial facilities.¹⁹ EPA, in consultation with EIA and industry companies, has produced the most accurate projections of coming year production possible. BIO and its member companies support the ongoing process EPA has employed in making these assessments.²⁰ Some companies are moving forward with plans for construction of additional facilities, based on the operation of these first-of-a-kind facilities. The industry as a whole has moved more quickly to this commercial status than would have been possible without the policy support of the RFS.

Many of the first cellulosic projects – including INEOS Bio, Abengoa and Fiberight – will be producing ethanol. Since cellulosic biofuels achieve the greatest reductions in GHG emissions – compared to the 2005 baseline for gasoline – room must be made in the marketplace for the use of these fuels or the goals of the RFS will be subverted. EPA's annual RVOs establish the size of the marketplace and should be based on the most accurate projection of actual production possible.

The companies that are commercializing this technology understand that the RFS ensures that the market will be open for advanced and cellulosic biofuels, if they can accumulate sufficient capital and produce the fuels.²¹ EPA's consistent administration of the RFS rules has encouraged companies and their investors. These investors remain committed to commercialization efforts. But any reduction in the RVOs will discourage additional investment and commercialization effort. For this reason, the joint petition appears calculated to discourage additional capital accumulation and investment in the advanced and cellulosic biofuel industry.

iv. Biodiesel Can Help Meet the Advanced Biofuels Targets for RFS Compliance

In their joint petition, petitioners ignore the market opportunity for biodiesel as an advanced biofuel. They claim that because EIA projects continuing decline in gasoline consumption, the RVO should be set at no more than 9.7% of gasoline, plus about 1.6 billion gallons of advanced. This ignores the fact that EIA projects a 0.5% increase in diesel/distillate consumption – to about 53.5 billion gallons -- which is also obligated volume.

The RVOs are nested and do not specify the use of ethanol. The biomass-based diesel RVO is nested within the advanced biofuel category, which is in turn nested within the overall renewable fuel category. Ethanol produced from corn and generating D6 RINs has been the most cost-effective way to meet annual RVOs to date. Ethanol production has scaled up quickly based on fully commercialized technology and robust agricultural value chains. If obligated parties have constructed a blend wall that raises the costs of additional use of ethanol, they can still comply with the RVOs by using greater amounts of biomass-based diesel, which is also a cost-competitive and fully commercialized technology.

¹⁹ Biotechnology Industry Organization (BIO). "The Renewable Fuel Standard: Timeline of a Successful Policy." Washington, DC. June 29, 2012. <http://www.bio.org/articles/renewable-fuel-standard-timeline-successful-policy>.

²⁰ See BIO Comments on EPA Proposed Rule on "Regulation of Fuels and Fuel Additives: 2013 Renewable Fuel Standards," April 5, 2013, available at <http://www.bio.org/advocacy/letters/bio-comments-us-epas-proposed-rule-2013-renewable-fuel-standards>.

²¹ See "The Value Proposition for Cellulosic and Advanced Biofuels under the Federal Renewable Fuel Standard," The Biotechnology Industry Organization, April, 2011, available at: http://www.bio.org/sites/default/files/201104_rfs_whitepaper_3.pdf



v. *RINs Contribute to RFS Compliance*

RINs are part of a solution to the blend wall. Because refiners can transfer or trade RINs, they have many options in setting a strategy to comply with the RFS. Some refiners have chosen not to blend renewable fuels, leaving themselves no option but to purchase RINs from others. For example, Delta Airlines – the parent of Monroe Energy – reported in its most recent quarterly earnings statement to investors, “Because the refinery operated by Monroe does not blend renewable fuels, it must purchase its entire RINs requirement in the secondary market or obtain a waiver from the EPA and is, therefore exposed to the market price of RINs.”²² The company also indicates that it is pursuing legislative and regulatory changes to the RFS as its compliance strategy. Since RINs can only be accumulated when biofuels actually enter the U.S. fuel supply, an increase in RIN prices serves as an incentive for obligated parties to make the investments in infrastructure to increase their blends of biofuels.

EPA should not waive part of the 2014 RFS obligations due to complaints of current high RIN prices. The market for RINs is small and made up largely of oil companies and retailers trading with each other. As a recent New York Times article discusses in detail, speculation among these traders given uncertainty around the 2013 RVO is one of the main reasons for the higher than usual RIN prices this year.²³ While the article suggests that Wall Street brokerages and others have engaged in speculative behavior in the RIN market, the authors correctly note that these brokerages and banks are required to participate in the RFS because they are the parent companies of obligated parties.

According to the Oil Price Information Service, July 17, 2013 article, “Major Gasoline Retailers Raking In Profits from Lucrative RINs Sales,”²⁴ while the focus has been on obligated parties such as Valero paying for the RINs, it ignores that the sellers of higher priced RINs are generating profits and that they are able to lower the cost of fuel to consumers. These profits are not going to biofuel producers, but to independent gasoline retailers, who are increasingly offering more biofuels to consumers as a result. The article goes on to point out that even while refiners are complaining about the rising RIN costs, they are enjoying robust crack spreads – the measurement between wholesale petroleum product prices and crude oil prices – benefitting from comparatively stronger margins than others.

More importantly, this dynamic illustrates why RIN costs cannot be passed to consumers. Competing refiners and obligated parties have established different strategies for compliance and are realizing different profit margins as a result. While some have increased costs from compliance with the RFS due to their chosen strategy, others may have held costs down and increased profits. Further, some of those who have seen increased costs may change their compliance strategies in a relatively short time and choose to absorb the current costs. CVR Refining, in its quarterly earnings statement to investors, asserts, “Many

²² Delta Air Lines, Inc. “Quarterly Report, Pursuant to Section 13 or 15(D) of the Securities Exchange Act of 1934, for the quarterly period ended June 30, 2013, Commission File Number 001-5424. <http://www.sec.gov/Archives/edgar/data/27904/000002790413000005/dal630201310q.htm>..

²³ Gretchen Morgenson and Robert Gebeloff, “Wall Street Exploits Ethanol Credits and Prices Spike,” The New York Times, September 14, 2013, available at: <http://www.nytimes.com/2013/09/15/business/wall-st-exploits-ethanol-credits-and-prices-spike.html?pagewanted=all&r=0>

²⁴ Edgar Ang, “Major Gasoline Retailers Raking In Profits from Lucrative RINs Sales.” Oil Price Information Services, July 17, 2013.



petroleum refiners blend renewable fuel into their transportation fuels and do not have to pass on the costs of compliance through the purchase of RINs to their customers. Therefore, it may be significantly harder for us to pass on the costs of compliance with RFS to our customers."²⁵ With this competitive pressure, obligated parties are currently blocked from passing the cost of RINs to consumers, since others are in a position to hold down costs and undercut the competition. Otherwise, industry-wide increases in consumer prices for fuel based on increased RIN costs, if undertaken in a joint agreement, would represent illegal price setting by refiners.

Obligated parties, including Valero, look for the lowest cost option to comply with the RFS. Until recently, when RIN prices were close to zero, obligated parties had little incentive to invest or use greater amounts of biofuels. High RIN prices help to create this incentive, and incentivizing investment in and use of renewable fuels was the goal of the RFS. Greater production and use of biofuels will help lower the cost of RINs and the price of gas at the pump, which further helps protect the U.S. economy.

IV. Conclusion

EPA should deny the joint petition because petitioners do not meet the requirements to file it, and because it is premature. The appropriate time for petitioners to attempt to influence the 2014 RFS RVOs will be during the public comment period after the proposed rule is issued in the coming weeks.

Even if petitioners are found to meet the requirements to file the joint petition, or if it is determined that their petition is not premature, EPA should deny the requests because the projected harm to the U.S. economy would stem not from the 2014 RFS RVOs, but rather from the ongoing dilatory tactics of the very parties seeking the waivers. The blend wall was anticipated five years ago at the outset of RFS implementation and obligated parties have largely chosen not to prepare for the blend wall. They have not encouraged or facilitated infrastructure investment or new fuel marketing. Instead, most of them are spending their time and advocacy trying to chill investment in greater biofuels production. This includes their filing the joint petition, which is opposed by BIO as reflected in these comments. The petitioners and their members should not be rewarded for these efforts. Rather, the RVOs should be set, as always, through the use of the best market information possible. They should be set as accurately as possible to determine projected production and supply availability.

BIO encourages EPA to investigate barriers preventing biofuels from gaining greater access to the marketplace by obligated parties. Rather than seeing the blend wall as a barrier to greater biofuel production, the Agency should consider encouraging a market-based approach to further the development of infrastructure and to push for the development of new feed stocks and "drop-in" fuels to meet RFS obligations. As explained in these comments, high RIN prices can help incentivize this development.

There a number of compliance options for 2014 and solutions to the blend wall, including the use of higher blends of biofuels, greater distribution of biofuels, increased production of

²⁵ CVR Refining, LP. "Quarterly Report Pursuant to Section 13 or 15(D) of the Securities Exchange Act of 1934, For the quarterly period ended June 30, 2013." Commission file number: 001-35781. <http://www.sec.gov/Archives/edgar/data/1558785/000104746913008021/a2216199z10-q.htm>.



flex fuel vehicles, and greater use of drop-in alternative fuels. Market economics under the RFS program are already driving investment in each of these options, and EPA can anticipate a rapid increase in availability of both higher ethanol blends and drop-in alternatives as a result – but only to the extent that the obligated parties provide market access to these fuels.

Unfortunately, many of these solutions are currently unattainable due to barriers to the marketplace erected by obligated parties, some of which are described in these comments. EPA should investigate these artificial barriers and, if necessary, take action to remove them so the market for transportation fuel alternatives established by the RFS is allowed to operate efficiently. Any remaining challenges to overcoming the blend wall can be addressed through the broad regulatory flexibility granted to EPA under the statute.

Thank you for considering these comments.

Sincerely,

A handwritten signature in black ink, reading "Brent Erickson". The signature is fluid and cursive, with a prominent "B" and "E".

Brent Erickson
Executive Vice President
Biotechnology Industry Organization (BIO)

Message

From: Argyropoulos, Paul [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0149B93D2780437A9C2B6D8477DF7991-PARGYROP]
Sent: 10/21/2015 2:01:41 PM
To: Bunker, Byron [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=ddf7bcf023d241a9a477a2dc75d5901c-Bunker, Byron]; Hengst, Benjamin [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c414e2bf04a246bb987d88498eefff06-Hengst, Benjamin]
Subject: RE: Confirming coverage for the Perkins Coie meeting today

Hi Byron.

Ben is out in training. Hallway conversations following yesterday's pre-brief ended up with the suggestion of having one other lucky candidate (beyond me) to be in the meeting. I don't think it needs to be both Janet and Irene, but one of them might be appropriate given the small refinery / hardship knowledge that they have, just to keep things on a level playing field. I don't think it's mandatory, just useful.

Thanks, Paul

Paul Argyropoulos
Senior Policy Advisor
US EPA
Office of Transportation and Air Quality
Phone: 202-564-1123
Mobile: 202-577-9354
Email: argyropoulos.paul@epa.gov
Web: www.epa.gov

From: Bunker, Byron
Sent: Wednesday, October 21, 2015 9:58 AM
To: Hengst, Benjamin
Cc: Argyropoulos, Paul
Subject: Confirming coverage for the Perkins Coie meeting today

Hi Ben,

My takeaway from our conversation with Chris yesterday was that he only needed one person to join him for the PC meeting, and Paul was that one person. Yeah, Paul!

This morning, I heard that we might need to send Janet and Irene. We can certainly do that if you or Chris want that, but to be candid, I couldn't tell where that request was coming from and did it accurately reflect new information.

Can you confirm for me how we should support Chris for this meeting?

Thanks,

Byron

Byron Bunker
Director Compliance Division
Office of Transportation and Air Quality

Environmental Protection Agency

2000 Traverwood Drive

Ann Arbor, MI 48105

Bunker.Byron@epa.gov

Phone: (734) 214-4155

Mobile: (734) 353-9623

Message

From: Argyropoulos, Paul [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0149B93D2780437A9C2B6D8477DF7991-PARGYROP]
Sent: 10/20/2015 5:45:49 PM
To: Machiele, Paul [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b71a67c326714ebbaa72eda552e55282-Machiele, Paul]; Hengst, Benjamin [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c414e2bf04a246bb987d88498eefff06-Hengst, Benjamin]; Byron Bunker [Bunker.Byron@epa.gov]; Simon, Karl [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=4d781d1ad595415db3a4e768c2d2b3fc-Simon, Karl]
Subject: FW: RFS Meeting Agenda
Attachments: SROAHC - Agenda for 10.21.2015 Meeting with EPA.pdf; RFS Coalition Comment Letter_complete.pdf

FYI

Paul Argyropoulos
Senior Policy Advisor
US EPA
Office of Transportation and Air Quality
Phone: 202-564-1123
Mobile: 202-577-9354
Email: argyropoulos.paul@epa.gov
Web: www.epa.gov

From: Hughes, Krista (Perkins Coie) [<mailto:KHughes@perkinscoie.com>]
Sent: Tuesday, October 20, 2015 12:11 PM
To: Grundler, Christopher; Argyropoulos, Paul; Bunker, Byron; Stewart, Gwen
Cc: Johnson Koch, LeAnn M. (Perkins Coie)
Subject: RFS Meeting Agenda

All,

Thank you for agreeing to meet with the Small Refinery Owners Ad Hoc Coalition ("the Coalition") tomorrow to discuss EPA's Renewable Fuel Standard ("RFS"). As you may know, the Coalition was formed by a group of small refinery owners that are adversely affected by the RFS. The members of the Coalition include Alon USA Energy, Inc.; American Refining Group, Inc.; Calumet Specialty Products Partners, L.P.; Delek US Holdings; Ergon, Inc.; Hunt Refining Company; Placid Refining Company LLC; Wyoming Refining Company; and U.S. Oil & Refining.

An agenda for tomorrow's meeting and comments submitted by the Coalition on EPA's proposed 2014-2016 RFS rule are attached.

Thank you,
Krista

Krista Hughes | Perkins Coie LLP
ASSOCIATE
700 Thirteenth Street, N.W. Suite 600
Washington, DC 20005-3960
D: +1.202.654.6309
F: +1.202.654.9969
E: KHughes@perkinscoie.com

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Message

From: Argyropoulos, Paul [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0149B93D2780437A9C2B6D8477DF7991-PARGYROP]
Sent: 1/29/2014 1:05:32 AM
To: Korotney, David [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=7b00e16e09654b94bc6146550ca87936-Korotney, David]; Machiele, Paul [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b71a67c326714ebbaa72eda552e55282-Machiele, Paul]; Simon, Karl [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=4d781d1ad595415db3a4e768c2d2b3fc-Simon, Karl]; Hengst, Benjamin [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c414e2bf04a246bb987d88498eefff06-Hengst, Benjamin]; Burkholder, Dallas [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=667ef175292d4784997e454a9985b3b3-Burkholder, Dallas]
Subject: Fw: BIO Comments on 2014 RFS, Docket ID No. EPA-HQ-OAR-2013-0479 and Waiver Petitions, Docket ID No. EPA-HQ-OAR-2013-0747
Attachments: BIO Comments-EPA PR 2014 RFS RVOs-Docket ID No EPA-HQ-OAR-2013-0479.pdf; BIO Comments EPA Petitions for RFS Waiver - Docket ID No EPA-HQ-OAR-2....pdf; Appendix II - BIO - 09-24-13 Letter - API AFPM Petition Docket ID No. EPA-HQ-OAR-2013-0747.pdf; Appendix III - BIO - 10-24-13 Letter - Response to Valero 2014 RFS Petition Docket ID No. EPA-HQ-OAR-2013-0747.pdf; Appendix IV - Valero - 09-09-13 RFS Waiver Petition Docket ID No. EPA-HQ-OAR-2013-0747.pdf

FYI

From: Erick Lutt <elutt@bio.org>
Sent: Tuesday, January 28, 2014 7:23:19 PM
To: Grundler, Christopher; Argyropoulos, Paul
Cc: Brent Erickson; Matthew Carr
Subject: BIO Comments on 2014 RFS, Docket ID No. EPA-HQ-OAR-2013-0479 and Waiver Petitions, Docket ID No. EPA-HQ-OAR-2013-0747

Chris and Paul,
Please find attached the Biotechnology Industry Organization's (BIO) comments on the U.S. Environmental Protection Agency's (EPA) Proposed Rule on the 2014 Standards for the Renewable Fuel Standard (RFS) Program and the renewable volume obligations (RVO) for biofuels in 2014, Docket ID No. EPA-HQ-OAR-2013-0479. BIO submitted its comments and supporting appendices through regulations.gov. Due to size restraints, we are not including the appendices on this email, but they can be made available by request.

Also attached, is BIO's response, and its supporting appendices to EPA's request for comments on petitions for a waiver of the renewable fuel standards (RFS) that would apply in 2014, Docket ID No. EPA-HQ-OAR-2013-0747.

Please let us know if you have any questions.

All the best,

Erick Lutt

Director, Industrial & Environmental Section
Biotechnology Industry Organization
Direct: 202.962.6641/Mobile: 202.701.8153
elutt@bio.org

Appointment

From: Argyropoulos, Paul [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0149B93D2780437A9C2B6D8477DF7991-PARGYROP]
Sent: 1/28/2015 2:24:16 PM
To: McCabe, Janet [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d2ca413e5a534895bd6042d82e5b5f63-McCabe, Janet]

Subject: Accepted: Small Refiner Hardship Issue

Location: WJC-N 5400 + Video with AA + Personal Phone / Ex. 6

Start: 1/29/2015 3:30:00 PM

End: 1/29/2015 4:00:00 PM

Show Time As: Busy

Message

From: Argyropoulos, Paul [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0149B93D2780437A9C2B6D8477DF7991-PARGYROP]
Sent: 2/26/2018 3:59:52 PM
To: Machiele, Paul [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b71a67c326714ebbaa72eda552e55282-Machiele, Paul]; Hengst, Benjamin [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c414e2bf04a246bb987d88498eefff06-Hengst, Benjamin]; Burkholder, Dallas [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=667ef175292d4784997e454a9985b3b3-Burkholder, Dallas]; Korotney, David [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=7b00e16e09654b94bc6146550ca87936-Korotney, David]
Subject: RE: inquiry about prospective RFS exemption for new refinery

Interesting. Based on what Roland said, **Deliberative Process / Ex. 5**

Paul Argyropoulos
Senior Policy Advisor
US EPA
Office of Transportation and Air Quality
Phone: 202-564-1123
Mobile: 202-577-9354
Email: argyropoulos.paul@epa.gov
Web: www.epa.gov

From: Machiele, Paul
Sent: Monday, February 26, 2018 10:55 AM
To: Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Argyropoulos, Paul <Argyropoulos.Paul@epa.gov>; Burkholder, Dallas <burkholder.dallas@epa.gov>; Korotney, David <korotney.david@epa.gov>
Subject: FW: inquiry about prospective RFS exemption for new refinery

FYI

From: Parsons, Nick
Sent: Monday, February 26, 2018 10:34 AM
To: Machiele, Paul <machiele.paul@epa.gov>
Subject: FW: inquiry about prospective RFS exemption for new refinery

FYI

- Nick

From: McKenna, Chris
Sent: Monday, February 26, 2018 10:33 AM
To: Cohen, Janet <cohen.janet@epa.gov>
Cc: Piotrowski, Greg <piotrowski.greg@epa.gov>; Parsons, Nick <Parsons.Nick@epa.gov>
Subject: FW: inquiry about prospective RFS exemption for new refinery

Janet,

I have no idea how to answer this, so I'm going to tell Greg to call you.

Thanks,
Chris

From: Greg Staiti [<mailto:greg.staiti@weaver.com>]
Sent: Monday, February 26, 2018 10:04 AM
To: McKenna, Chris <McKenna.Chris@epa.gov>
Subject: Request for Call with Small Refinery Developer

Hi Chris,

I hope all is well with you.

I'm working with a client who is building a ~50,000 bpd (crude throughput) refinery in the U.S., targeted to come online in Q3/Q4 2019. They are exploring their eligibility to qualify as a small refinery under the RFS program, and have done some preliminary scoring under the DOE Hardship Matrix. Before we get too far along, we would like to engage with EPA about this process as it relates to a refinery in development – e.g., tackling issues such as providing scoring/backup support when information is not yet known or available, and whether EPA would consider ***prospective*** relief rather than retrospective.

I'm sure you and the team working on other small refinery exemptions have a lot on your plate right now. But getting insight on these and related issues will be hugely beneficial to my client as they work to finalize refinery economics and plan for compliance needs. We can work around your schedule; please let us know when you would be free for a call or meeting. If you'd like to discuss first with me before getting on the line with additional EPA staff and my client, please do not hesitate to contact me.

Best regards,
Greg



Greg Staiti
Weaver

Partner
Energy Compliance Services

D: 212.405.2454 (**please note new number**)
E: greg.staiti@weaver.com
M: 571.214.3629

350 Park Ave., 13th Floor
New York, NY 10022

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Message

From: Morris, Madeline [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=F42C86B4A2044779972AC94E098F0304-MORRIS, MAD]
Sent: 8/18/2017 6:46:45 PM
To: Abboud, Michael [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b6f5af791a1842f1adcc088cbf9ed3ce-Abboud, Mic]; Baptist, Erik [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=10fc1b085ee14c6cb61db378356a1eb9-Baptist, Er]; Beck, Nancy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=168ecb5184ac44de95a913297f353745-Beck, Nancy]; Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]; Bolen, Brittany [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=31e872a691114372b5a6a88482a66e48-Bolen, Brit]; Bowman, Liz [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c3d4d94d3e4b4b1f80904056703ebc80-Bowman, Eli]; Brown, Byron [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=9242d85c7df343d287659f840d730e65-Brown, Byro]; Chmielewski, Kevin [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=a8c269da515e475d9705f091dd2713f6-Chmielewski]; Cory, Preston (Katherine) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=bfd80b15f6d04a3ba11fc8ca3c85bc50-Cory, Kathe]; Darwin, Henry [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=7ae8e9d24eeb4132b25982e358efbd9d-Darwin, Hen]; Darwin, Veronica [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=bc98aaf2f15a466baede3dab0e27a35e-Darwin, Ver]; Davis, Patrick [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=7fca02d1ec544fbdbd6fb2e7674e06b2-Davis, Patr]; Dominguez, Alexander [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=5ced433b4ef54171864ed98a36cb7a5f-Dominguez,]; Dravis, Samantha [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=ece53f0610054e669d9dffe0b3a842df-Dravis, Sam]; Falvo, Nicholas [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=424ac90ea7d8494a93209d14d37f2946-Falvo, Nich]; Ferguson, Lincoln [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=08cd7f82606244de96b61b96681c46de-Ferguson, L]; Ford, Hayley [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=4748a9029cf74453a20ee8ac9527830c-Ford, Hayle]; Forsgren, Lee [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=a055d7329d5b470fbaa9920ce1b68a7d-Forsgren, D]; Fotouhi, David [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=febaf0d56aab43f8a9174b18218c1182-Fotouhi, Da]; Frye, Tony (Robert) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=58c08abdfc1b4129a10456b78e6fc2e1-Frye, Rober]; Graham, Amy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=26722dfde5b34925b0ad9a8dd4aff308-Graham, Amy]; Greaves, Holly [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=abcb6428b3df40a9a78b059a8ba59707-Greaves, Ho]; Greenwalt, Sarah [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=6c13775b8f424e90802669b87b135024-Greenwalt,]; Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]; Hale, Michelle [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=cb99f5247ab8412fa017133839301fee-Hale, Miche]; Hewitt, James [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=41b19dd598d340bb8032923d902d4bd1-Hewitt, Jam]; Hupp, Millan [/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=92cac7b684b64f90953b753a01bee0d5-Hupp, Milla]; Hupp, Sydney
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 [/o=ExchangeLabs/ou=Exchange Administrative Group
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 [/o=ExchangeLabs/ou=Exchange Administrative Group
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 [/o=ExchangeLabs/ou=Exchange Administrative Group
(FYDIBOHF23SPDLT)/cn=Recipients/cn=344246fb2cb643bfab4f92fe016566e2-McMurray, F]; Morris, Madeline
 [/o=ExchangeLabs/ou=Exchange Administrative Group
(FYDIBOHF23SPDLT)/cn=Recipients/cn=f42c86b4a2044779972ac94e098f0304-Morris, Mad]; Munoz, Charles
 [/o=ExchangeLabs/ou=Exchange Administrative Group
(FYDIBOHF23SPDLT)/cn=Recipients/cn=ae303b61fc23433e89c844d7842c9626-Munoz, Char]; Palich, Christian
 [/o=ExchangeLabs/ou=Exchange Administrative Group
(FYDIBOHF23SPDLT)/cn=Recipients/cn=330ad62e158d43af93fcbbece930d21a-Palich, Chr]; Ringel, Aaron
 [/o=ExchangeLabs/ou=Exchange Administrative Group
(FYDIBOHF23SPDLT)/cn=Recipients/cn=1654bdc951284a6d899a418a89fb0abf-Ringel, Aar]; Rodrick, Christian
 [/o=ExchangeLabs/ou=Exchange Administrative Group
(FYDIBOHF23SPDLT)/cn=Recipients/cn=6515dbe46dae466da53c8a3aa3be8cc2-Rodrick, Ch]; Schwab, Justin
 [/o=ExchangeLabs/ou=Exchange Administrative Group
(FYDIBOHF23SPDLT)/cn=Recipients/cn=eed0f609c0944cc2bbdb05df3a10aadb-Schwab, Jus]; Shimmin, Kaitlyn
 [/o=ExchangeLabs/ou=Exchange Administrative Group
(FYDIBOHF23SPDLT)/cn=Recipients/cn=becb3f33f9a14acd8112d898cc7853c6-Shimmin, Ka]; Traylor, Patrick
 [/o=ExchangeLabs/ou=Exchange Administrative Group
(FYDIBOHF23SPDLT)/cn=Recipients/cn=b6d06c6b766c4b4b8bdf6b0fea4b998-Traylor, Pa]; Wagner, Kenneth
 [/o=ExchangeLabs/ou=Exchange Administrative Group
(FYDIBOHF23SPDLT)/cn=Recipients/cn=048236ab99bc4d5ea16c139b1b67719c-Wagner, Ken]; Wilcox, Jahan
 [/o=ExchangeLabs/ou=Exchange Administrative Group
(FYDIBOHF23SPDLT)/cn=Recipients/cn=88fd588e97d3405d869bcae98d391984-Wilcox, Jah]; Yamada, Richard
 (Yujiro) [/o=ExchangeLabs/ou=Exchange Administrative Group
(FYDIBOHF23SPDLT)/cn=Recipients/cn=4c34a1e0345e4d26b361b5031430639d-Yamada, Yuj]

Subject: FW: Weekly Report 08.18.2017
Attachments: weekly report 08.18.2017 .docx

Happy Friday! Here is the weekly report.

From: Burton, Tamika
Sent: Friday, August 18, 2017 1:44 PM
Subject: Weekly Report 08.18.2017

Good Afternoon,
Please see attached the weekly report for this week.

Best regards,

Tamika Burton
Staff Assistant
Office of the Deputy Administrator in the Office of the Administrator
MC 1104A Room 3412 WJC North

(202) 564-4771 (d)

Ex. 6

(c)

burton.tamika@epa.gov



Appointment

From: Dominguez, Alexander [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=5CED433B4EF54171864ED98A36CB7A5F-DOMINGUEZ,]
Sent: 10/19/2017 2:08:05 PM
To: Dominguez, Alexander [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=5ced433b4ef54171864ed98a36cb7a5f-Dominguez,]; Gunasekara, Mandy [Gunasekara.Mandy@epa.gov]; Schwab, Justin [Schwab.Justin@epa.gov]; Bolen, Brittany [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=31e872a691114372b5a6a88482a66e48-Bolen, Brit]; Dravis, Samantha [dravis.samantha@epa.gov]; Kime, Robin [Kime.Robin@epa.gov]; Patrick, Monique [Patrick.Monique@epa.gov]; Motley, Judy [motley.judy@epa.gov]
Subject: DOE/EPA Small Refiners Coalition
Attachments: Small Refiners Coalition RFS Small Refinery Hardship - 9.13.2017.pdf
Location: 5530 WJCN
Start: 10/27/2017 7:00:00 PM
End: 10/27/2017 8:00:00 PM
Show Time As: Tentative

Note: Room change to 5530 – same location as 3530 (large conference room in corner, just two floors up)

Meeting will be a joint DOE/EPA meeting with the Small Refiners Coalition for a discussion on the hardship petition process and scoring metrics.

Conference Line: **Personal Phone / Ex. 6**
Passcode: **Personal Phone / Ex. 6**

From the Small Refiners Coalition:
LeAnn Johnson Koch
Jack Lyman
Susan Butler
Additional members may call in.

DOE:
Kyle Yunaska
Mark Maddox
Doug Matheney
Wells Griffith
Sam Buchan

Message

From: Torma, Tim [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=9BA71394653C408CA8E45F71EA617843-TORMA, TIM]
Sent: 3/31/2017 9:43:17 PM
To: Inge, Carolyn [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=7f763e42702a4f468cdf42323ee94520-Cinge]
CC: Kime, Robin [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=7ef7b76087a6475b80fc984ac2dd4497-RKime]; Bolen, Brittany [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=31e872a691114372b5a6a88482a66e48-Bolen, Brit]
Subject: FW: Material for the 9 AM Hot Issues meeting on Monday
Attachments: Topics for 03-28-2017 Administrator meeting.docx; Topics for 03-30-2017 Administrator meeting.docx; Daily Hot Topics 04-03-2017.docx

Carolyn,

Can you please make 7 copies of each of the attached files and put them in Brittany's chair in time for the 9:00 meeting Monday? Thanks.

TT

From: Torma, Tim
Sent: Friday, March 31, 2017 5:42 PM
To: Bolen, Brittany <bolen.brittany@epa.gov>; Flynn, Mike <Flynn.Mike@epa.gov>; Rees, Sarah <rees.sarah@epa.gov>; Richardson, RobinH <Richardson.RobinH@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>
Subject: Material for the 9 AM Hot Issues meeting on Monday

All,

I will be out of the office Monday but have prepared material I hope you can use for the Hot Topics meeting at 9 AM.

Attached are:

- 1) A list of new items drawn from the weekly reports.
- 2) The last two files prepared for consideration at the 8AM meetings.

Next week will be challenging from a scheduling standpoint. Mike, Robin R. and Nancy G. will all be unavailable Tuesday through Friday due to the EMC meeting, and I will be out Monday and Friday. I will check in with Brittany Tuesday AM and figure out whether it makes sense to convene meetings during the week or not.

Have a great weekend.

TT

Tim Torma
Senior Advisor
U.S. EPA Office of Policy
202-566-2864



E. SCOTT PRUITT
ADMINISTRATOR

January 31, 2018

The Honorable Tom Wolf
Governor of Pennsylvania
508 Main Capitol Building
Harrisburg, Pennsylvania 17120

Dear Governor Wolf:

Thank you for your November 2, 2017, letter requesting that EPA exercise the waiver authority under Clean Air Act Section 211(o)(7)(A)(i) to reduce the nationwide renewable fuel volume mandates in order to provide relief to refiners in Pennsylvania and elsewhere.

We appreciate that Pennsylvania's refineries, like those elsewhere, are important engines of employment for the state and for the regions immediately around the refineries. We further understand that you, like many other stakeholders, are concerned about the impacts that the renewable fuel standard (RFS) program might have on those refineries. EPA will continue to implement the RFS program, as the law requires. At the same time, we firmly believe that maintaining a diverse U.S. energy supply and a strong economy are both core national policy imperatives, and that refining jobs are important and valuable.

As EPA has indicated in its response to past requests for waivers under this provision, we believe it is critical to have sufficient analysis and information to make informed decisions on such requests. We recognize that identifying severe economic harm caused by the implementation of RFS requirements is a difficult and complex issue and one of intense interest to a number of stakeholders. We discussed in past notices, and in the most recent annual rulemaking for 2018, the type of information we generally think would be relevant to identifying severe economic harm. For example, in 2008, we examined modeling showing expected levels of production and price for both corn and ethanol with and without a waiver. We also provided quantitative estimates of the impact of a waiver on: food expenditures for average and lowest quintile households; feeds costs for cattle, pigs, poultry and dairy; and gasoline prices and gasoline expenditures for average and lowest quintile households.

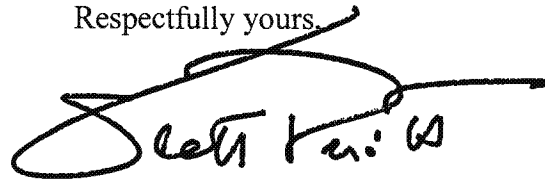
As your petition relies on broad assertions of the high costs of compliance associated with the RFS and the associated impacts on the viability of the oil refining sector, EPA believes additional information is required in order to properly evaluate your petition. Examples of such information include, but should not be limited to: explanation of how EPA should implement the waiver provision consistent with the statutory requirements (e.g., identifying what constitutes

“severe harm,” and the extent to which harm may be attributable to RFS requirements, particularly when there may be multiple causes contributing to economic difficulties of a refinery); studies or quantitative information demonstrating the economic impact of the 2017 or 2018 RFS standards on specific refineries;¹ evidence regarding the minimum reduction in applicable volumes necessary to achieve the desired outcome (i.e., avoid refinery closure and protect associated jobs), and an assessment of the impacts of such a waiver on other participants and affected parties in the RFS program, including other refiners and biofuel producers.

EPA shares your concern that the RFS should be implemented with the welfare of communities, states, and regions in mind. We are seeking this information in order to be able to fully and fairly evaluate the issue and determine if further relief is warranted. However, until we receive the necessary supporting information, we are unable to adequately evaluate and provide a final response to your request. We respectfully suggest re-submitting your petition with such information, at which point we will treat the petition as complete for purposes of responding within our statutory timeline.

Again, thank you for your letter. If you have further questions or concerns, please contact me or your staff may contact Troy Lyons, Associate Administrator for Congressional and Intergovernmental Relations, at lyons.troy@epa.gov or at (202) 564-5200.

Respectfully yours,

A handwritten signature in black ink, appearing to read "E. Scott Pruitt", with a large, sweeping flourish extending from the end of the signature.

E. Scott Pruitt

¹ We note that the question of whether refineries fully recoup the costs of RFS compliance in the price of their petroleum products has been a topic of intense debate, so any further information you could provide on the relation between RIN costs and economic hardship would be relevant as well.

Appointment

From: Loving, Shanita [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=439CE9C2D2104080A1B5908D3402BF20-LOVING, SHANITA]
Sent: 2/9/2017 2:47:42 PM
To: Lewis, Josh [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b22d1d3bb3f84436a524f76ab6c79d7e-JOLEWIS]; Grundler, Christopher [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d3be58c2cc8545d88cf74f3896d4460f-Grundler, Christopher]; Bunker, Byron [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=ddf7bcf023d241a9a477a2dc75d5901c-Bunker, Byron]; Cohen, Janet [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d94b854e69cd4f9e80db946bf9d1c1b2-Cohen, Janet]; Manners, Mary [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=ebdb1392504a4b71894970b1a7bb186c-Manners, Mary]; Reid, Lauren [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=a44e1a5c23404801bd12621455cde517-Reid, Laure]; Parsons, Nick [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=7ba9a64331b0449a93ccc46f74d5d1f0-Parsons, Nick]; Sutton, Tia [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=25e87403f63143acbb959446512a372c-Sutton, Tia]; Hengst, Benjamin [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c414e2bf04a246bb987d88498eefff06-Hengst, Benjamin]; Orlin, David [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=aa64dad518d64c5f9801eb9bb15b7ec3-DORLIN]; Stahle, Susan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b25318c6014d4fb985288e15143c8596-SSTAHLE]; Sugiyama, George [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=f8db82515f204fc3bdfa8b4dc81dd149-Sugiyama, G]
CC: Stewart, Gwen [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3f8c5838943241caadb6005ffaddd7db-gstewart]; Davis, Theresa [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=44d4095deb124294bc3b24916cb061bf-Davis, Ther]; Li, Ryland (Shengzhi) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=7cf0eac9d34b446f88e03f8ec48274f1-Li, Shengzh]; McKenna, Chris [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=451b675850124bf4a9db1d577ee3b9af-McKenna, Ch]; Master, Barbora [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=2c813860457b42019078b33089aaeee5-bjemelko]; Piotrowski, Greg [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=40bd03b05b8a409f91fbb8e3432d01ab-Piotrowski, Greg]
Subject: Small Refinery RFS Exemption Decision
Attachments: 2_9_17 mtg-request-form-acting-aa-dunham.docx
Location: WJC-N 5400 + Ann Arbor, C-174

Personal Phone / Ex. 6	Participant Code:	Personal Phone / Ex. 6
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Start: 2/13/2017 4:00:00 PM
End: 2/13/2017 5:00:00 PM
Show Time As: Tentative

To: Dunham, Sarah; Lewis, Josh; Grundler, Chris; Bunker, Bryon; Cohen, Janet; Manners, Mary; Reid, Lauren; Parsons, Nick; Sutton, Tia; Hengst, Ben; Orlin, David; Stahle, Suzanne; Sugiyama, George
Cc: Stewart, Gwen; Davis, Theresa; Li, Ryland; McKenna, Chis; Master, Barbora; Piotrowski, Greg



2_9_17

mtg-request-form...

Message

From: Cohen, Janet [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D94B854E69CD4F9E80DB946BF9D1C1B2-COHEN, JANET]
Sent: 2/2/2017 3:09:07 PM
To: Hengst, Benjamin [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c414e2bf04a246bb987d88498eefff06-Hengst, Benjamin]; Bunker, Byron [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=ddf7bcf023d241a9a477a2dc75d5901c-Bunker, Byron]; Sutton, Tia [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=25e87403f63143acbb959446512a372c-Sutton, Tia]
CC: Manners, Mary [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=ebdb1392504a4b71894970b1a7bb186c-Manners, Mary]; Machiele, Paul [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b71a67c326714ebbaa72eda552e55282-Machiele, Paul]
Subject: RE: Small Refinery Hardship Note for Sarah

My bad. Just sent to Chris. Will send to OTAQ materials now. – j.-

From: Hengst, Benjamin
Sent: Thursday, February 02, 2017 9:52 AM
To: Bunker, Byron <bunker.byron@epa.gov>; Sutton, Tia <sutton.tia@epa.gov>
Cc: Manners, Mary <manners.mary@epa.gov>; Cohen, Janet <cohen.janet@epa.gov>; Machiele, Paul <machiele.paul@epa.gov>
Subject: RE: Small Refinery Hardship Note for Sarah

Minus Chris

Byron—did the slides go to OTAQ materials yesterday? I didn't see them, but may have missed them

From: Bunker, Byron
Sent: Wednesday, February 01, 2017 3:32 PM
To: Grundler, Christopher <grundler.christopher@epa.gov>
Cc: Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Manners, Mary <manners.mary@epa.gov>; Cohen, Janet <cohen.janet@epa.gov>; Machiele, Paul <machiele.paul@epa.gov>
Subject: Small Refinery Hardship Note for Sarah

Chris,

Janet Cohen will be circulating the draft RFS Small Refinery Hardship briefing for your review later today. We are on Sarah's calendar this Friday. Copied below is the draft note for Sarah that we discussed with you yesterday.

Thanks,

Byron

Draft Note:

Sarah,

On Friday, we are planning to brief you on the RFS Small Refinery Hardship program. The program allows small refineries (<75,000 bbl/day production) to receive an economic hardship exemption from their renewable volume obligation (RVO) under RFS. The exemptions are worth tens of millions of dollars to the individual applicants. We have

been getting 10 to 12 applications each year and have typically seen about a 50/50 split in approvals/denials. The 2016 RFS compliance deadline is at the end of March 2017, and hence, we need to issue our 2016 hardship decisions before the end of this month in order to give the petitioners an adequate amount of time to either comply with the program, or if they receive an exemption, time to sell their RINs to other parties.

Deliberative Process / Ex. 5

We should talk after Friday's briefing on alternate approaches to manage this, but I wanted to make you aware of the time sensitive nature of these decisions.

Thanks,

Chris

Byron Bunker
Director Compliance Division
Office of Transportation and Air Quality
Environmental Protection Agency
2000 Traverwood Drive
Ann Arbor, MI 48105
Bunker.Byron@epa.gov
Phone: (734) 214-4155
Mobile: (734) 353-9623

Message

From: Cohen, Janet [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D94B854E69CD4F9E80DB946BF9D1C1B2-COHEN, JANET]
Sent: 2/1/2017 3:44:01 PM
To: Bunker, Byron [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=ddf7bcf023d241a9a477a2dc75d5901c-Bunker, Byron]; Li, Ryland (Shengzhi) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=7cf0eac9d34b446f88e03f8ec48274f1-Li, Shengzh]; Machiele, Paul [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b71a67c326714ebbaa72eda552e55282-Machiele, Paul]; Master, Barbora [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=2c813860457b42019078b33089aeeee5-bjemelko]; McKenna, Chris [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=451b675850124bf4a9db1d577ee3b9af-McKenna, Ch]; Parsons, Nick [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=7ba9a64331b0449a93ccc46f74d5d1f0-Parsons, Nick]; Piotrowski, Greg [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=40bd03b05b8a409f91fbb8e3432d01ab-Piotrowski, Greg]; Reid, Lauren [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=a44e1a5c23404801bd12621455cde517-Reid, Laure]; Stahle, Susan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b25318c6014d4fb985288e15143c8596-SSTAHLE]; Sutton, Tia [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=25e87403f63143acbb959446512a372c-Sutton, Tia]; thomas.white@hq.doe.gov; Weihrauch, John [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=74d426b7439045d9a0a65b186ea68b21-Jweihrau]; Williams, Brent [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=395fc53cc2f34820a565d152d1b9b2bd-Williams, Brent]
Subject: new draft version of small refinery transition briefing
Attachments: 1_31_17 DRAFT smal refinery transition briefing new version.pptx
Importance: High

All – here's a new version that folds in a lot of material from the Janet McCabe briefing. Please review for everything – content, tone, flow, redundancy, slide placement in body v. appendix, etc. I've noted a few that I wonder about in comment. Our goal is to have a new draft version ready for Chris G.'s review before 4 pm today. Many thanks. – j. -

Message

From: McKenna, Chris [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=4DA2E1588A1E4971AB729F6D58631BDD-CMCKENNA]
Sent: 4/14/2014 6:44:04 PM
To: Dubois, Roland [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=835458b87b574ccbb1704415df8413d1-RDUBOIS]
CC: Bunker, Byron [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=ddf7bcf023d241a9a477a2dc75d5901c-Bunker, Byron]; Weihrauch, John [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=74d426b7439045d9a0a65b186ea68b21-Jweihrau]
Subject: RE: draft DOE note on intermediate hardship scoring
Attachments: draft DOE note on intermediate scoring for 3a and 3b rev2.docx

Roland - thanks for the quick turnaround. I attached a clean version to this email, and I'm cc'ing Byron and John on this response.

Byron/John - please take a look at the attached draft note from DOE on intermediate scores and let us

Deliberative Process / Ex. 5

Thanks again,
Chris

-----Original Message-----

From: Dubois, Roland
Sent: Monday, April 14, 2014 2:26 PM
To: McKenna, Chris
Subject: RE: draft DOE note on intermediate hardship scoring

Chris, I made a few more edits. Please accept the ones you are ok with, and could you then send Byron, John W. and me a cleaned-up version? I will likely run it by DOJ. Thanks.

From: McKenna, Chris
Sent: Monday, April 14, 2014 12:46 PM
To: Dubois, Roland
Subject: RE: draft DOE note on intermediate hardship scoring

Roland,

Thanks very much for the edits, I think they're all consistent with our discussion with DOE last Wednesday - I cleaned up your revised version, and added some comments in response to your comments, see attachment. Do you want to discuss this with just me before we go back to Byron and/or DOE?

Thanks again,
Chris

-----Original Message-----

From: Dubois, Roland
Sent: Monday, April 14, 2014 10:39 AM
To: McKenna, Chris
Subject: RE: draft DOE note on intermediate hardship scoring

From: McKenna, Chris
Sent: Monday, April 14, 2014 10:34 AM
To: Dubois, Roland
Subject: RE: draft DOE note on intermediate hardship scoring

Attachment is missing.

-----Original Message-----

From: Dubois, Roland
Sent: Monday, April 14, 2014 10:30 AM
To: McKenna, Chris
Subject: RE: draft DOE note on intermediate hardship scoring

Chris, please have a look at my suggested edits. I think we should work this over in-house before getting back to DOE. Perhaps after you look it over, we could then send to Byron. Also, we may have someone else in OGC picking this up, and I should get her involved too. But let's get your thoughts on paper first. Roland

From: McKenna, Chris
Sent: Monday, April 14, 2014 8:50 AM
To: White, Thomas; Whitman, Peter
Cc: Dubois, Roland
Subject: RE: draft DOE note on intermediate hardship scoring

Tom/Pete - thanks very much for pulling this together.

Roland - please let us know any comments on this.

Thanks,
Chris

-----Original Message-----

From: Whitman, Peter [mailto:Peter.Whitman@hq.doe.gov]
Sent: Thursday, April 10, 2014 11:40 AM
To: McKenna, Chris
Cc: White, Thomas
Subject: Metrics explanation 3a and 3b.docx

Here is our revised statement on using an intermediate value for the RFS

Tom and Pete

Message

From: Haman, Patricia [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0EBB27CD881D41B19A30A491DC3F3F57-PHAMAN]
Sent: 4/8/2015 2:58:08 PM
To: Bunker, Byron [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=ddf7bcf023d241a9a477a2dc75d5901c-Bunker, Byron]; Lewis, Josh [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b22d1d3bb3f84436a524f76ab6c79d7e-JOLEWIS]; Mackay, Cheryl [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=af74520aad9041eb83e051f194fcc58e-CMackay]; Walsh, Ed [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=51f3bac3af644626b6a70f087751baca-EWalsh]
CC: Hengst, Benjamin [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c414e2bf04a246bb987d88498eefff06-Hengst, Benjamin]
Subject: RE: Today's Meeting with Senate and House DOE Appropriations Staff - RFS Small Refinery Hardships

Thank you Byron. This is helpful to know. Pat

Patricia Haman
Office of Congressional Affairs
U.S. EPA
202-564-2806

From: Bunker, Byron
Sent: Wednesday, April 08, 2015 9:27 AM
To: Haman, Patricia; Lewis, Josh; Mackay, Cheryl; Walsh, Ed
Cc: Hengst, Benjamin
Subject: FW: Today's Meeting with Senate and House DOE Appropriations Staff - RFS Small Refinery Hardships

I realized after I sent the note copied below, that I should have coordinated with all of you before agreeing to join this meeting with DOE. As quick background, we got a request last week from DOE's legislative affairs team to support a meeting that was being organized to brief SEWD and HEWD staff on DOE's role in RFS Small Refinery Hardship Decisions. I was already going to be in town for another meeting and agreed to join the DOE team. I don't expect any near term follow up as a result of the meeting, but I should have let you know it was happening. Please see my summary copied below.

Thanks,

Byron

From: Bunker, Byron
Sent: Tuesday, April 07, 2015 9:20 PM
To: Grundler, Christopher
Cc: Hengst, Benjamin; Cook, Leila; Simon, Karl; Machiele, Paul; Manners, Mary; Weihrauch, John; Stahle, Susan; Cohen, Janet
Subject: Today's Meeting with Senate and House DOE Appropriations Staff - RFS Small Refinery Hardships

I joined Carmine Difiglio, Pete Whitman, and Kyle Winslow (DOE Legislative Analyst) for a meeting today with the Majority Clerks for the House and Senate Appropriations Energy and Water Subcommittees to discuss the RFS Small Refinery Hardship Program.

Some number of small refineries have complained to their congressional delegations that DOE changed its evaluation methodology from an approach based on “disproportionate harm” to one that requires a demonstration that the companies will not be “viable” without relief. The meeting started confrontationally with the staff pressing on why and when a change had been made (spoiler alert, there has been no change). We walked them through the history of the provision from the automatic exemption for all 59 small refineries through 2010, to the first DOE study that concluded the program would by design have no disproportionate harm, to the second DOE study that at direction of a 2009 Senate Appropriation report required DOE to consider profitability and the financial ability to comply in evaluating disproportionate harm.

In the process, we showed the staff that financial viability had been fundamental to the DOE scoring from the start of the discretionary relief in 2011 and was done at the direction of the Senate Appropriations report. We spent some time talking about the precise way the scoring is done but by the end, the staff seemed to have run out of energy on the subject. The meeting wrapped up very cordially with no request for follow up information or next steps. At some level, I got the feeling the staff felt they had done their job by running us through the wringer on a few points and had nothing else they were needing to do.

I think the appropriations staff would like to have a somewhat lower bar for relief than the viability scoring metrics that were created in the second DOE Report, but they recognize that coming up with this lower bar would be very difficult, highly controversial and would likely require some kind of new legislation or other direction to DOE and/or EPA.

Deliberative Process / Ex. 5

Based on how the meeting ended, I don’t expect any follow up in the near term.

Byron Bunker
Director Compliance Division
Office of Transportation and Air Quality
Environmental Protection Agency
2000 Traverwood Drive
Ann Arbor, MI 48105
Bunker.Byron@epa.gov
Phone: (734) 214-4155
Mobile: Ex. 6

Message

From: Cohen, Janet [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D94B854E69CD4F9E80DB946BF9D1C1B2-COHEN, JANET]
Sent: 4/3/2015 12:23:17 PM
To: Bunker, Byron [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=ddf7bcf023d241a9a477a2dc75d5901c-Bunker, Byron]
Subject: RE: RFS Hardship
Attachments: DOE small refinery study.pdf

Good morning Byron, sure. Have been working on the first item since you mentioned and with a bit of quiet time this morning should have it to you soon. Here's the study. -- j. -

From: Bunker, Byron
Sent: Friday, April 03, 2015 8:04 AM
To: Cohen, Janet
Subject: RFS Hardship

Hi Janet,

Can you do me a favor and get two things for me on the history of RFS hardships?

First, I need a timeline of the relief under RFS. I am sure we have pulled this together before, but I am not quickly finding it.

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Thanks,

Byron

Byron Bunker
Compliance Division Director
Office of Transportation and Air Quality
US Environmental Protection Agency
2000 Traverwood Drive
Ann Arbor, MI 48105
(734) 214-4155 (office)
(734) 353-9623 (mobile)



The Secretary of Energy
Washington, D.C. 20585

February 25, 2009

RECEIVED

2009 MAR -9 AM 11:13

The Honorable Lisa P. Jackson
Administrator
Environmental Protection Agency
Washington, D.C. 20004

DAILY READING FILE
OFFICE OF THE
SECRETARY

Dear Administrator Jackson:

Section 211(o)(9)(A)(ii) of the Clean Air Act, as revised by the Energy Policy Act of 2005 (EPACT 2005), requires that the Department of Energy (DOE) conduct a study for the Administrator of the Environmental Protection Agency (EPA) assessing whether the renewable fuel standard (RFS) would impose a disproportionate economic hardship on small refineries, defined as those facilities with capacities under 75,000 barrels per calendar day.

Small refineries encompass a diverse range of businesses. Some will be able to generate credits through blending renewable fuels into their products; others may choose to purchase such credits from parties that over comply with the standards. There appears to be no shortage of credits available under the current RFS; the market appears to be liquid and competitive. While the Energy Independence and Security Act of 2007 (EISA) increased the volume and added additional categories of renewable fuel, there is no basis at this time to believe that the character of markets for credits will fundamentally change. While credit prices may increase, DOE has no reason to believe that a competitive market would disproportionately disadvantage participants who purchase credits rather than generate them through blending renewable fuels into their products. Therefore, DOE believes that the exemption for small refineries should not be extended at this time. Should markets change; small refineries maintain the right under EPACT 2005 to petition EPA for individual extensions of the exemption.

Please find enclosed our study presenting DOE'S findings and explaining why DOE does not believe that the extending the exemption for small refineries beyond 2010 is warranted at this time. Should you have any questions, please call Ms. Carmen Difiglio at (202-586-8436).

Sincerely,

Steven Chu

Enclosure



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**EPACT 2005 Section 1501
Small Refineries Exemption Study**

Office of Policy and International Affairs

U.S. Department of Energy

January 2009

Small Refinery Exemption Study

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Executive Summary

The Energy Policy Act of 2005 (EPAcT 2005) established a Renewable Fuel Standard (RFS) under Section 211(o) of the Clean Air Act (CAA), requiring the incorporation of renewable fuel, such as ethanol, in the transportation fuel mix. EPAcT 2005 also exempted certain small refineries from compliance with the RFS through 2010. Under Section 211(o)(9)(A)(ii) of the CAA, DOE is required to determine if compliance with the RFS would impose a “disproportionate economic hardship” on small refineries, and convey to the Environmental Protection Agency (EPA) by December 31, 2008, whether the exemption should be extended past 2010.

Under certain scenarios small refineries using the exemption may realize significant economic benefits if they are not required to participate in the RFS program, either by the blending of renewable fuels or the selling of products that have lower production costs than their competitors. Such a scenario could encourage inefficient capital investments in the refinery industry. This study does not assess the potential for disproportionate economic advantages in extending the exemption for small refineries, nor would this be a basis for rejecting the extension of the exemption under Section 211(o)(9)(A)(ii).

Obligated parties, such as refineries, may fulfill their renewable fuel requirements through either blending renewable fuels into their products or purchasing credits from other parties who have exceeded their allocation of renewable fuel consumption. Thus, even if a refinery is limited through geography or lack of capital in its ability to generate credits by blending renewable fuels into its products, it may purchase credits from other parties. As long as credits are available for purchase and the market is competitive, small refineries should not be subject to disproportionate economic hardship from their choice to purchase credits rather than to generate them. Should market conditions change such that small refineries face disproportionate economic hardship, they may still petition the EPA for an extension of their exemption past the statutory date of December 31, 2010.

This study examines the current market for credits and projections for their future price and availability. At the present time, credits are available at a nominal value and compliance volumes have been in excess of the RFS requirements. Under these conditions, it does not appear that small refineries would be subject to disproportionate hardship by the RFS mandate if they are required to participate in the program. Additionally, the RFS legislation contains flexibility provisions that allow EPA to reduce the RFS volumetric requirements and issue Renewable Identification Numbers (RINs) to ensure that limits do not exceed industry's ability to supply renewable fuels or that implementation of the requirements would severely harm the economy or environment. Therefore, DOE concludes that the RIN market is likely to be competitive and that small refineries will not face disproportionate economic harm by their participation in the RFS program.

Introduction

Section 1501 of the Energy Policy Act of 2005 (EPAAct 2005) amended Section 211 of the Clean Air Act (CAA) by adding Section 211(o), which required the Environmental Protection Agency (EPA) to promulgate regulations implementing a renewable fuels program. EPAAct 2005 specified that the regulations must ensure that a specified volume of renewable fuel be used in gasoline sold in the U.S. each year, with the total volume increasing over time. The goals of the program include reducing the Nation's dependence on foreign sources of petroleum, increasing domestic sources of energy, and assisting in the transition to alternative fuels from petroleum in the transportation sector.

The final Renewable Fuel Standard (RFS) program rule was published on May 1, 2007, and the program began on September 1, 2007¹. The Renewable Fuel Standard, as specified by the 2007 Final Rule, will be referenced as RFS1 in this document. RFS1 created a specific annual level for minimum renewable fuel use that increases

¹ During 2006 a Renewable Fuel Standard was established using the default compliance criteria as specified by EPAAct 2005.

over time – resulting in a requirement that 7.5 billion gallons of renewable fuel be blended into gasoline (for highway use only) by 2012. Under the RFS1 program, compliance is based on obligated parties meeting their annual Renewable Volume Obligation (RVO) (published annually in the Federal Register by EPA). Obligated parties include refiners, blenders and importers of gasoline. The RVO is expressed as a percentage of total non-renewable gasoline sold by the obligated party in the specified calendar year. Compliance is demonstrated through the use of Renewable Identification Numbers, or RINs, a 38-digit serial number assigned to each batch of renewable fuel produced. For obligated parties (those who must meet the annual volume percent standard), RINs must be acquired either by blending renewable fuel into gasoline or diesel to show compliance or by acquisition of RINs from other parties that have exceeded their RVO.

The Small Refinery Exemption

Section 211(o)(9)(A)(i) of the CAA exempts small refineries from the RFS1 requirements until the 2011 compliance period. Small refineries are defined under Section 211(o)(9)(A)(ii) of the CAA as refineries with average annual crude input below 75,000 barrels per day. Appendix A contains a list of candidate small refineries that meet the exemption criteria using the Energy Information Administration's (EIA) operable refinery capacity data from form EI-810, the Monthly Refinery Report. This list is merely illustrative, as additional refineries may meet the exemption criteria if their annual operations are significantly lower than their reported operable capacity.

In preparation for the RFS1 rulemaking, EPA convened a Small Business Impact (SUBREFA) panel to examine the impact of the RFS1 on small businesses. Subsequent to the discussions of the SUBREFA panel, EPA chose to exempt small refiners, defined as refiners producing gasoline from crude oil with fewer than 1,500 employees and less than 155,000 barrels per day crude processing capability, as well as small refineries as defined above, from the RFS1 mandate through 2010. Some small refineries belong to large integrated energy companies which do not meet the

criteria for small refiners, while some small refiners have refineries over 100,000 barrels per day capacity which would not qualify for the small refinery exemption. EPA has tentatively concluded that it does not have the authority to extend the duration of the exemption period for small refiners as defined under the RFS1 rulemaking². The statute permits the extension of the exemption period for small refineries as defined in Section 211(o)(9)(A)(ii) of the CAA beyond its current expiration date of 2010. This report only evaluates the class of small refineries as directed under Section 211(o)(9)(A)(ii) of the CAA.

Extending the Small Refinery Exemption

Congress specifically addressed the potential for an extension of the small refinery exemption in EPAct 2005. Under section 211(o)(9)(A)(ii) of the CAA, the Secretary of Energy is required to conduct a study for the EPA Administrator to determine whether compliance with the RFS1 would impose a disproportionate economic hardship on small refineries, defined as those facilities with capacities under 75,000 barrels per calendar day. If the study found that a disproportionate economic hardship would occur, EPA is obligated to extend the RFS1 exemption for at least two additional years. In addition, refineries still maintained the right to petition EPA for individual exemption from the program.

Under certain scenarios, small refineries using the exemption might gain significant economic benefits through blending renewable fuels or selling products that have lower production costs than their competitors if they are not required to participate in the RFS program. Such a scenario could encourage inefficient capital investments in the refinery industry. This Study does not assess the potential for disproportionate economic advantages in extending the exemption for small refineries, nor would this be a basis for rejecting the extension of the exemption under Section 211(o)(9)(A)(ii) of the CAA.

² "Final Report of the Small Business Advocacy Review Panel on EPA's Planned Proposed Rule Regulation of Fuels and Fuel Additives: Renewable Fuel Standard Program", September 5, 2008.

The Impact of EISA 2007 on the DOE study

While the underlying program structure is not expected to change, EISA revised and extended the RFS1 fuels volumes required under EPA 2005. The revised program, referred to as RFS2, requires 36 billion gallons of renewable fuel by the year 2022 to be introduced into the transportation fuel mix and allows the renewable fuel to be blended into both gasoline and diesel fuel. Obligated parties will also include refiners, blenders and importers of both gasoline and diesel fuel. Unlike the RFS1 program (which only required compliance with one total renewable fuel standard until 2012, and added compliance with a cellulosic biomass standard thereafter), obligated parties must comply with the four “nested” standards. Total renewable fuel, advanced biofuel, cellulosic biofuel, and biomass-based diesel must reach the 36 billion gallon requirement by 2022. Of the 36 billion gallons of total renewable fuels mandated by EISA, 21 billion gallons must be advanced biofuel; of the 21 billion gallons of advanced biofuel required, 16 billion gallons must be cellulosic biofuel and 1 billion gallons must be biomass-based diesel.

Figure 1 shows the volume requirements of RFS1 (red line labeled “Old RFS”) compared to the volume requirements of RFS2 for the different types of renewable fuels (bar chart), as defined by EISA, from 2006 through 2022.

The provisions of EISA 2007 will expand requirements on obligated parties. Since there are four types of renewable fuels, obligated parties must obtain and demonstrate compliance with four different mandates using RINs. Second, the universe of obligated parties has been broadened to include both gasoline and diesel producers. Finally, the volumes required by the new mandate are substantially higher than those required in EPA 2005, stretching the limits of domestic capability to produce and incorporate biofuels in the transportation fuel mix.

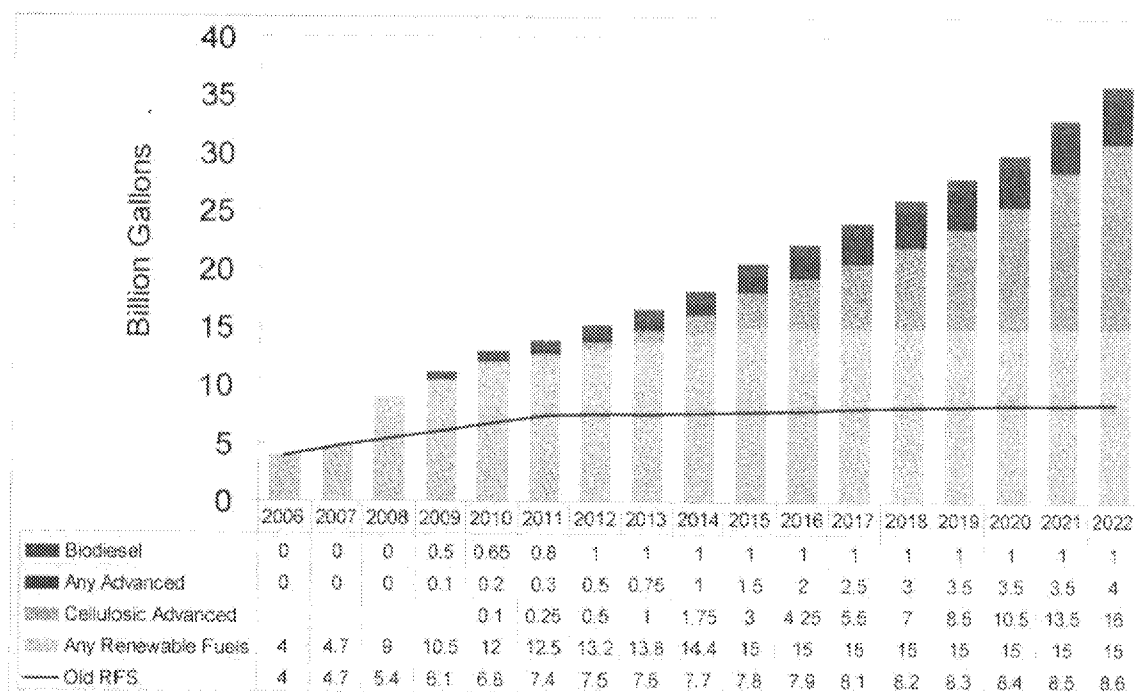


Figure 1. RFS 1 and RFS 2 Volume Requirements 2006-2022

Compliance Options under the RFS1 and RFS2 Programs

The Renewable Fuel Standard programs (RFS1 and RFS2) include inherent flexibility since compliance is based on a nationwide trading program, without any per gallon requirements and without any requirement that the refiner or importer produce the renewable fuel. By purchasing RINs from other program participants that have chosen to over-comply, obligated parties will be able to fulfill their renewable fuel obligation without having to make capital investments that may otherwise be necessary in order to blend renewable fuels into gasoline or diesel fuel.

In a competitive market, RINs will be freely traded between parties at the marginal cost of production. In this case, the decision to blend as opposed to purchase credits should not disadvantage small refineries relative to other obligated parties. Based on the performance of the current market and forecasts of future market trends, we believe that sufficient RINs will be available at a price not disproportionately above the cost of production. Therefore, refiners without blending capability should pay no more than the marginal cost of production; that is, the cost of the most expensive RIN produced by blending. In this case, the absence of physical capability to blend does

not impose a disproportionate economic hardship on small refineries as compared to other obligated parties.

Review of the Current Market

The current market is generally over-supplied with RINs. This condition can be seen by examining the traded price of RINs shown in Figure 2. Over the period May – November, 2008, RIN prices averaged less than \$0.05 per gallon. Such a nominal price suggests that the transaction costs of transferring RINs constitute the majority of the value of the RIN. This implies that the market views blending ethanol as economic, even without the incentive of selling the generated RIN.

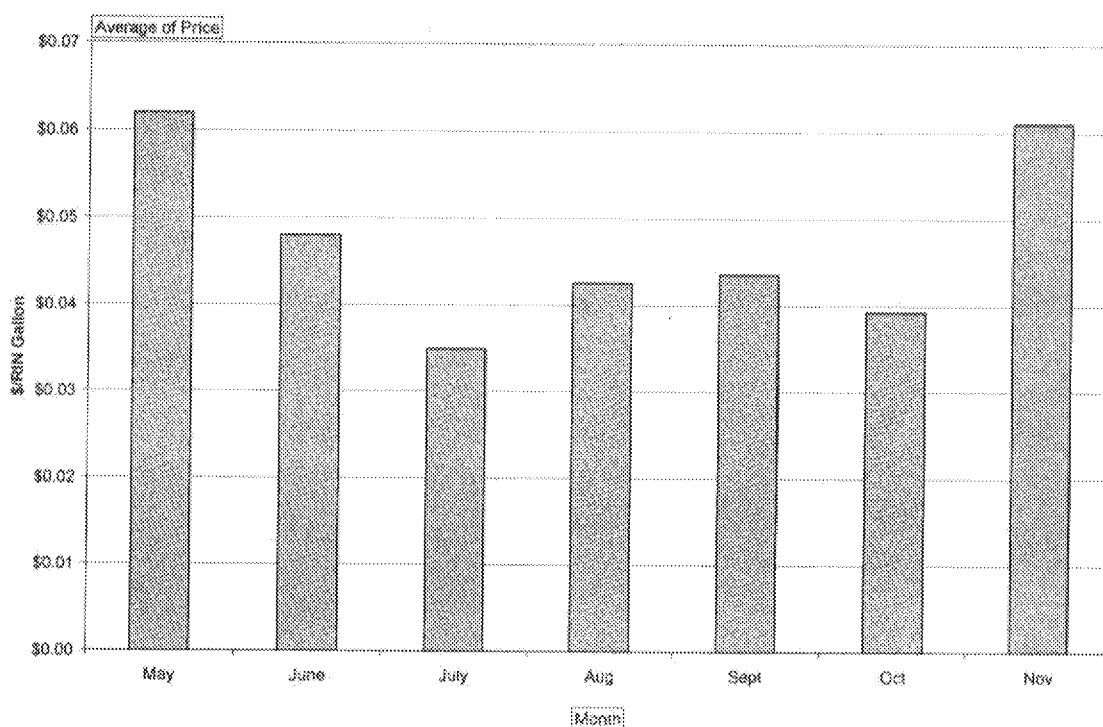


Figure 2. Average Monthly RIN Prices May - November 2008
Source: Oil Price Information Service (OPIS)

While there is no central exchange for trading RINs, various private parties facilitate the exchange of RINs. One such private party is Clean Fuels Clearinghouse, which runs the RINSTAR® Renewable Fuel Registry. As the Renewable Volume

Obligation (RVO) increases, more obligated parties are expected to purchase RINs than generate their own. As more parties become aware of the RFS2 requirements, increased trading will result. Figure 3 shows the monthly trade count from the Renewable Fuel Registry starting from the program's inception in 2007. The actual number of RIN-gallons (that is the RINs associated with a gallon of renewable fuel) is far greater than the trade count, as a single trade may entail the transfer of RINs for a batch of renewable fuel. Since the Clean Fuels Clearinghouse is a private party, it only has data on its subscribing members, which is a subset of the market. The Registry does not attempt price discovery at this time, but merely facilitates the trading among parties and reports transfers to EPA.

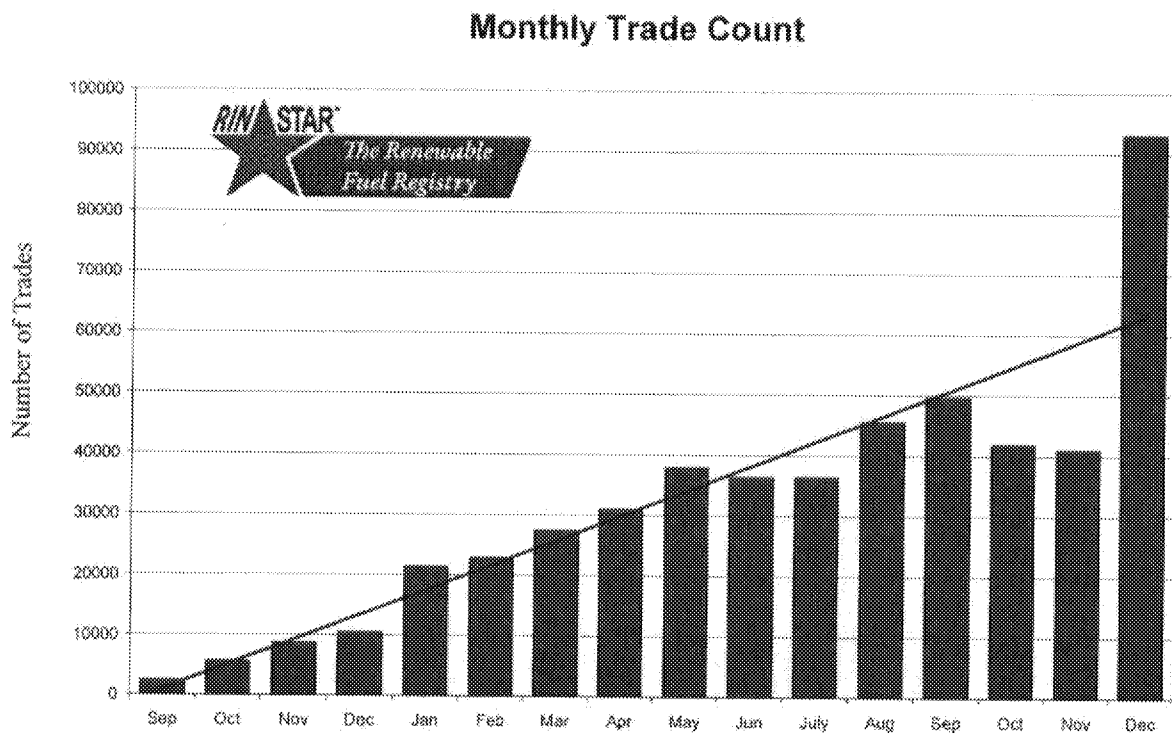


Figure 3 Monthly Trade Count in the RINSTAR® System

Future RFS Compliance Costs

Figure 4 shows a projection of the compliance cost per gallon of product, extracted from the National Energy Modeling System (NEMS) modeling run used to create the Energy Information Administration's Early Release of the Annual Energy Outlook 2009 (AEO 2009) for the period 2009 through 2022. The projected cost represents the

weighted average cost of meeting the four compliance categories in dollars per gallon of gasoline or diesel fuel, the products covered by the program. EIA projects implementation of the RFS2 program should have a minimal impact on product prices through 2013 of less than \$.01 per gallon of product. Even after 2013, the EIA projections show only two years in which the RFS2 program raises product prices more than \$.03 per gallon. Since the credit system will be used to transfer compliance costs to consumers, these costs may be used as a proxy to project the value of credits. DOE interprets EIA's projections to indicate that credits should be available and that credit prices will not be excessive.

RFS2 Compliance Cost per Gallon Product

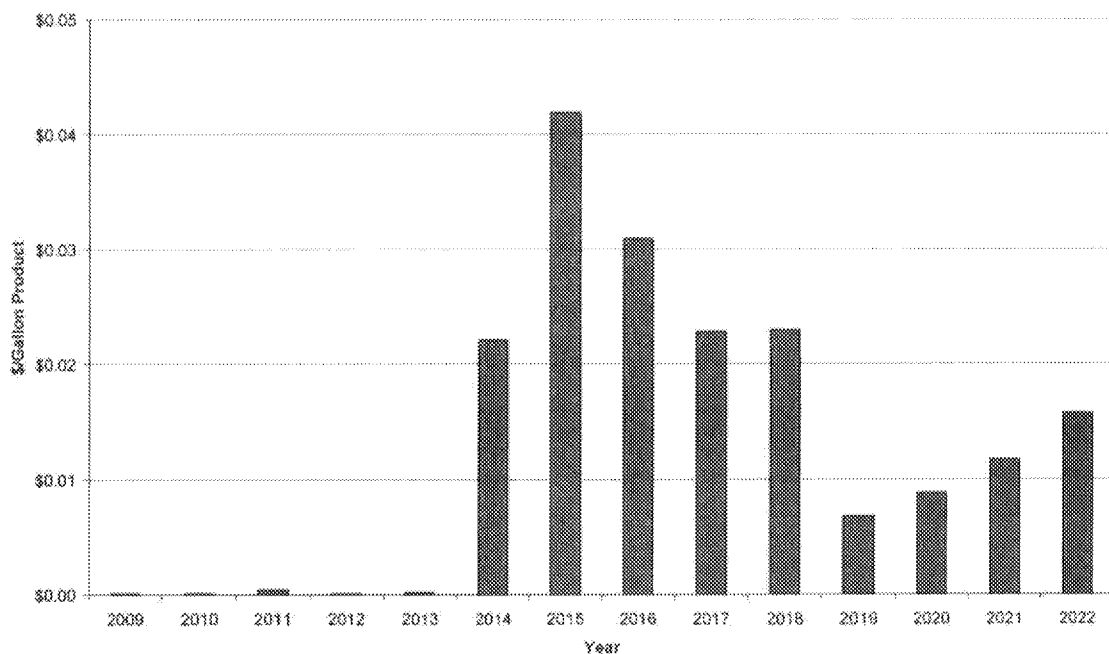


Figure 4. Annual Energy Outlook 2009 Compliance Cost Projections

Characteristics of Small Refineries

Small refineries comprise a very heterogeneous set of organizations. Some small refineries are part of large integrated corporations with both upstream and downstream activities. Others, while owning only a few or even one small refinery, are large enterprises with other lines of business. Finally, some companies have a

single small refinery providing the vast majority of the value of the enterprise. While any particular small refinery may have geographic or other capital limitations, since the obligated party is the entire company, small refineries have options available to meet their RVO other than by blending in the mandated volumes of renewable fuels. They may allow other parts of the company to over-comply, or they may purchase RINs from other obligated parties.

Table 1 lists a sample of small refineries that DOE has identified that are also owned by small companies, as defined in EPA's SUBREFA process. These refineries would be expected to have the most difficulty complying with the standard by developing facilities to blend renewable fuels into their products. The table shows the company name, location, and size of the refinery. Using EIA Form 815 data, DOE has identified those refineries that are close to terminals that currently blend ethanol. Since EIA does not track the commercial arrangements of refineries, this is a proxy of whether the refinery may actually use such a terminal to generate credits. Table 1 includes all of the refiners from the Ad Hoc RFS1 Small Refiner SUBREFA Coalition with the exception of Placid Oil. Placid has recently expanded its operable distillation capacity to 80,000 barrels per day, which may make it ineligible for the small refinery exemption if annual crude oil throughput is below 75,000 barrels per day.

Table 1. Select Small Refineries

Company Name	Site	State	Operable Capacity (BBLS/day)	Blending Capability
AGE REFINING INC	SAN ANTONIO	Texas	13000	Y
AMERICAN REFINING GROUP INC	BRADFORD	Pennsylvania	10000	
COUNTRYMARK COOPERATIVE INC	MOUNT VERNON	Indiana	23000	
FORELAND REFINING CORP	EAGLE SPRINGS	Nevada	2000	
GOODWAY REFINING LLC	ATMORE	Alabama	4100	Y
KERN OIL & REFINING CO	BAKERSFIELD	California	26000	
SAN JOAQUIN REFINING CO INC	BAKERSFIELD	California	15000	Y
SILVER EAGLE REFINING	EVANSTON	Wyoming	3000	Y
SILVER EAGLE REFINING	WOODS CROSS	Utah	10250	
SOMERSET REFINERY INC	SOMERSET	Kentucky	5500	
US OIL & REFINING CO	TACOMA	Washington	37850	
WYNNEWOOD REFINING CO	WYNNEWOOD	Oklahoma	54000	Y

Source: EIA-810 and EIA-815

Case Studies of Refineries Affected By EISA

EPAct 2005 defined an exemption for small refineries, not refiners. As illustrated in the examples described in this section, small refineries are extraordinarily diverse in size, capitalization, and role. We examine three small refineries to illustrate the various challenges small refineries might face in complying with the RFS2.

Marathon Refining, St. Paul Park, Minnesota

This 70,000 barrels per day refinery produces motor gasoline, diesel, and other products. It is part of the Marathon Oil Company, a large integrated energy company which is engaged in exploration and production of oil and oil sands, and refining, transporting, and marketing petroleum products. The refinery is located near numerous sources of ethanol in a state that has a statutory 10-percent-ethanol-blending requirement for gasoline. Marathon has over one million barrels per day refining capacity company-wide and had revenues of over \$65 billion in 2007. The company has the ability to blend 1.2 billion gallons of ethanol annually, and has invested in ethanol production facilities. Therefore, the Marathon St. Paul refinery has many options to comply with its RVO. It may generate RINs through blending, or allow some other portion of the company to over-comply.

Country-Mark Cooperative, Mt. Vernon, Indiana

Country-Mark Cooperative is owned by a number of farm cooperatives. It runs a 26,500 barrels per day refinery in Mt. Vernon, Indiana. The cooperative primarily sells diesel (both on-road and off-road) and gasoline, with profits accruing to the owning cooperatives. Country-Mark owns its own pipeline and four terminals. They already blend both biodiesel and E10. Therefore, the company has the capability of generating RINs or purchasing them.

The American Refining Company Bradford, Pennsylvania

The American Refining Company owns a single refinery in Bradford, Pennsylvania. It processes approximately 10,000 barrels per day of primarily locally-produced Pennsylvania crude, producing diesel and gasoline. The company has no terminals or blending facilities, and no terminals are nearby. Therefore, this company is an example of a refinery at which it would be commercially infeasible to install blending facilities and where RINs would likely be purchased from other parties.

Record-keeping Requirements

Registration, recordkeeping, and reporting are necessary to track compliance with the RFS2 program. Since the RFS2 program contains multiple mandates, compliance will require multiple types of RINs, and will necessarily be more complex.

The compliance requirements under the RFS2 program will likely be similar to those required under the RFS1 program. Program registration for the RFS1 program uses the same basic forms that EPA uses under the reformulated gasoline (RFG) and the Mobile Source Air Toxics (MSAT) anti-dumping programs, as these forms are well known in the regulated community and are simple to fill out. Reporting under the RFS1 program currently uses a simplified method of reporting via EPA's Central Data Exchange (CDX), and records related to RIN transactions may be kept in any format. The period of record retention by reporting parties is five years, similar to other EPA fuel programs.

As described previously, commercial services exist to handle record-keeping and assignment of RINs. Therefore, costs may be scalable relative to the size or number of RINs needed. At this time, commercial services can provide record-keeping, transfer, and verification of RINs for a nominal fee, thereby reducing the need for additional staff.

Discussion of Results

Small refineries encompass a broad category of businesses. Small refineries may be parts of large integrated petroleum companies with numerous refineries, a single or small group of refineries within a large diversified corporation, or a stand-alone organization with a single processing plant. Furthermore, as the actual generation of RINs occurs, the RFS2 program will have a different impact depending upon the corporate structure. Small refineries without access to blending capability may have to enter the RIN market. For stand-alone small refineries, transaction costs may create a significant burden, although third-party services are already available to ease this burden. For small refineries that are subsidiaries of larger companies, this is less of an issue. Finally, for small refineries that are part of integrated major or supermajor energy companies, RINs may be obtained internally or in the open market, and there is no reason to expect that they would be disproportionately harmed by inclusion as obligated parties in the RFS2 program.

Conclusion

Small refineries comprise a heterogeneous group of facilities. Some will be able to generate RINs through blending renewable fuels into their products; others may choose to purchase RINs from refiners with RINs in excess of their RVOs. Currently there appears to be no shortage of RINs available under RFS1. The RFS2 legislation has provided flexibility to ensure that the RFS2 RVO requirements will not exceed the renewable fuels industries' capabilities to produce renewable fuels and also provides alternative RINs if the RVO volumes are not economically viable. Markets are developing for the exchange and tracking of RINs. It is too early to project whether these markets will continue to be liquid and competitive; as long as these markets continue to be liquid and competitive, there is no reason to believe small refineries will be disproportionately harmed by inclusion in the RFS2 program. Therefore, DOE has not determined that any small refinery would be subject to disproportionate economic hardship under the RFS2 program and thus has determined that the exemption should not be extended beyond 2010. However, should

circumstances change and the RIN markets become non-competitive or illiquid, individual refineries still have a statutory right to petition EPA for an extension of the small refinery exemption.

Appendix A. List of Small Refineries and Operable Capacity in BBLs/day

Source: EIA form EI-810

COMPANY_NAME	SITE	STATE_NAME	OPERABLE CAPACITY
AGE REFINING INC	SAN ANTONIO	Texas	13000
ALON USA ENERGY INC	BIG SPRING	Texas	67000
AMERICAN REFINING GROUP INC	BRADFORD	Pennsylvania	10000
BIG WEST OF CALIFORNIA	BAKERSFIELD	California	66000
BIG WEST OIL CO	NORTH SALT LAKE	Utah	29400
CALCASIEU REFINING CO	LAKE CHARLES	Louisiana	78000
CALUMET LUBRICANTS CO LP	COTTON VALLEY	Louisiana	13020
CALUMET LUBRICANTS CO LP	PRINCETON	Louisiana	8300
CALUMET SHREVEPORT LLC	SHREVEPORT	Louisiana	42000
CENEX HARVEST STATES COOP	LAUREL	Montana	55000
CHEVRON USA INC	HONOLULU	Hawaii	54000
CHEVRON USA INC	SALT LAKE CITY	Utah	45000
CITGO ASPHALT REFINING CO	PAULSBORO	New Jersey	32000
CITGO ASPHALT REFINING CO	SAVANNAH	Georgia	28000
CONOCOPHILLIPS COMPANY	BILLINGS	Montana	58000
CONOCOPHILLIPS COMPANY	RODEO	California	76000
COUNTRYMARK COOPERATIVE INC	MOUNT VERNON	Indiana	23000
CROSS OIL REFINING & MARKETING INC	SMACKOVER	Arkansas	7200
DELEK REFINING LTD	TYLER	Texas	58000
ERGON REFINING INC	VICKSBURG	Mississippi	23000
ERGON WEST VIRGINIA INC	NEWELL (CONGO)	West Virginia	20000
EXXONMOBIL REFINING & SUPPLY CO	BILLINGS	Montana	60000
FORELAND REFINING CORP	EAGLE SPRINGS	Nevada	2000
FRONTIER REFINING INC	CHEYENNE	Wyoming	47000
GIANT INDUSTRIES INC	BLOOMFIELD	New Mexico	16800
GIANT REFINING CO	GALLUP	New Mexico	20800
GIANT YORKTOWN REFINING	YORKTOWN	Virginia	59375
GOODWAY REFINING LLC	ATMORE	Alabama	4100
GULF ATLANTIC OPERATIONS LLC	MOBILE	Alabama	16700
HOLLY CORP REFINING & MARKETING	WOODS CROSS	Utah	24700
HUNT REFINING CO	TUSCALOOSA	Alabama	34500
HUNT SOUTHLAND REFINING CO	SANDERSVILLE	Mississippi	11000
KERN OIL & REFINING CO	BAKERSFIELD	California	26000
LION OIL CO	EL DORADO	Arkansas	70000
LITTLE AMERICA REFINING CO	EVANSVILLE (CASPER)	Wyoming	24500
MARATHON PETROLEUM CO LLC	CANTON	Ohio	73000
MARATHON PETROLEUM CO LLC	SAINT PAUL PARK	Minnesota	70000
MARATHON PETROLEUM CO LLC	TEXAS CITY	Texas	72000
MONTANA REFINING CO	GREAT FALLS	Montana	9500
MURPHY OIL USA INC	SUPERIOR	Wisconsin	34300
PARAMOUNT PETROLEUM CORPORATION	PARAMOUNT	California	50000
PLACID REFINING CO	PORT ALLEN	Louisiana	56000
SAN JOAQUIN REFINING CO INC	BAKERSFIELD	California	15000
SHELL CHEM LP	SAINT ROSE	Louisiana	55000
SHELL CHEM YABUCOA INC	YABUCOA	Puerto Rico	77900
SILVER EAGLE REFINING	EVANSTON	Wyoming	3000
SILVER EAGLE REFINING	WOODS CROSS	Utah	10250
SINCLAIR OIL CORP	SINCLAIR	Wyoming	66000
SINCLAIR OIL CORP	TULSA	Oklahoma	70300
SOMERSET REFINERY INC	SOMERSET	Kentucky	5500
SUNCOR ENERGY (USA) INC	COMMERCE CITY	Colorado	62000
SUNCOR ENERGY (USA) INC	DENVER	Colorado	32000
Tesoro West Coast	MANDAN	North Dakota	58000
Tesoro West Coast	SALT LAKE CITY	Utah	58000
VENTURA REFINING & TRANS LLC	CUSTER	Oklahoma	12000
UNITED REFINING CO	WARREN	Pennsylvania	65000
US OIL & REFINING CO	TACOMA	Washington	37850
WYNNEWOOD REFINING CO	WYNNEWOOD	Oklahoma	54000
WYOMING REFINING CO	NEWCASTLE	Wyoming	14000

UNITED STATES DEPARTMENT OF ENERGY
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WASHINGTON, D.C. 20585

OFFICIAL BUSINESS

PI-1

The Honorable Lisa P. Jackson
Administrator
Environmental Protection Agency
Washington, DC 20004

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Message

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Subject: CMS on D3/D5 digesters and small refinery hardship waivers
Attachments: CMS_City of Meza_final draft.DOCX; CMS_Mesa AZ.pdf

Good Afternoon Everyone –

Attached is a controlled correspondence and my draft response about D3/D5 digesters, congressional legislation, and small refinery hardship waivers. This is for Bill Wehrum's signature. Could you please take a look at the draft response and provide any feedback, edits, or questions to Madison by Tuesday (I am on leave next week)? Madison will incorporate all edits and give that version to Holly for CMS entry. At that point it will go to the IO for review.

Thanks, Barbora

Barbora Master
U.S. Environmental Protection Agency
202-343-9899



20 E Main St Suite 250
PO Box 1466
Mesa, Arizona 85211-1466

mesaaz.gov

May 16, 2018

RECEIVED

2018 JUN -1 AM 11:38

OFFICE OF THE
EXECUTIVE SECRETARIAT

Administrator Scott Pruitt
Environmental Protection Agency
Office of the Administrator 1101A
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Dear Administrator Pruitt,

I write to ask for your continued support for the Renewable Fuels Standard (RFS) and request that you urge your congressional colleagues not to implement changes to the program that would harm the biofuels and refinery industries. The RFS is essential to increasing American energy independence and security, promoting economic growth and job creation, and reducing harmful environmental impacts in the City of Mesa, AZ and communities across the nation. As the City prepares to become a producer of advanced biofuels we believe it is crucial that Congress refrain from advancing any legislation that would undermine the RFS.

The City of Mesa is currently exploring a food to energy project that would collect what is considered a waste and turn it into a valuable resource for our community. Converting food waste to energy increases energy independence and security through the production of advanced biofuels by utilizing only local resources. The biofuels produced will provide energy to critical city infrastructure, allowing Mesa to deliver necessary services to our citizens such as wastewater treatment and solid waste collection. In addition to powering critical city services the food to energy project will support additional jobs locally in emerging industries. The use of advanced biofuels will also benefit future generations by generating clean energy, improving air quality, and decreasing the city's environmental footprint.

The City requests that any future legislation regarding the RFS allow projects utilizing food waste and or fats, oils, and grease as a feedstock for anaerobic digestion in municipal wastewater treatment facilities to qualify for D-3 Renewable Identification Numbers (RIN). Under current EPA regulations biogas generated from landfills, municipal wastewater treatment facilities, and municipal solid waste digesters is classified as a D-3 RIN. If food waste is added to a municipal digester all the resulting biogas becomes categorized as a D-5 RIN. If this same material (food waste) was put in a landfill and allowed to breakdown over time, the biogas would be classified as a D-3 RIN. This does not make sense from an environmental and economic standpoint for food and other high strength organic materials to be landfilled as opposed to being treated through anaerobic digestion.

Additionally, the City opposes any Congressional efforts encouraging EPA to apply a "waiver cap" to drive down the price of RINs as it would significantly reduce the demand for biofuels. Establishing a cap on RINs would replace gallons of manufactured biofuels with paper credits, making it impossible to meet EPA's standards for the 2018 Renewable Volume Obligations (RVOs) and beyond. I also request that action be taken to refrain EPA from using its small refiner economic "hardship" waiver authority until it increases transparency and acts in an impartial manner while doing so. Excess granting of these waivers suppresses commodity prices and undermines the RFS.

The RFS is essential to making projects like the City's food to energy a reality and contributes to the economic success of communities across the U.S., including the City of Mesa, AZ. We respectfully request that you oppose any legislation that would implement changes undermining the RFS.

Thank you for your continued efforts on behalf of our City and our region.

Sincerely,

A handwritten signature in black ink, appearing to read "John Giles". The signature is fluid and cursive, with the first name "John" being more prominent than the last name "Giles".

John Giles
Mayor

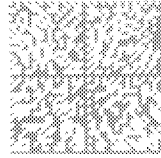


mesa.gov

OFFICE OF THE MAYOR MS-1000
20 E Main St Suite 750
PO Box 1166
Mesa, Arizona 85215-1666

ADDRESS SERVICE
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FIRST CLASS



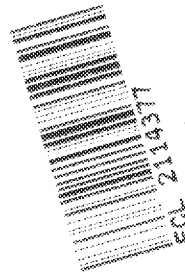
U.S. POSTAGE >> PINEY BOWES



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000035506 MAY 24 2018

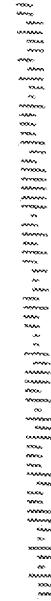
JUN 01 2018

Administrator Scott Pruitt
Environmental Protection Agency
Office of the Administrator 1101A
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460



EPK-15B

20460



Message

From: Cohen, Janet [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D94B854E69CD4F9E80DB946BF9D1C1B2-COHEN, JANET]
Sent: 1/25/2018 9:51:27 PM
To: Hengst, Benjamin [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c414e2bf04a246bb987d88498eefff06-Hengst, Benjamin]; Grundler, Christopher [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d3be58c2cc8545d88cf74f3896d4460f-Grundler, Christopher]
CC: Orlin, David [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=aa64dad518d64c5f9801eb9bb15b7ec3-DORLIN]; Bunker, Byron [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=ddf7bcf023d241a9a477a2dc75d5901c-Bunker, Byron]; Sutton, Tia [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=25e87403f63143acbb959446512a372c-Sutton, Tia]; Birgfeld, Erin [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3383bc15dd5542e5bff5c3de13ba9bf2-EBIRGFEL]
Subject: RE: Press inquiries on small refinery hardship petitions
Attachments: **Deliberative Process / Ex. 5**

Ben et al –

Deliberative Process / Ex. 5

- J. –

From: Hengst, Benjamin
Sent: Thursday, January 25, 2018 4:22 PM
To: Grundler, Christopher <grundler.christopher@epa.gov>
Cc: Orlin, David <Orlin.David@epa.gov>; Bunker, Byron <bunker.byron@epa.gov>; Cohen, Janet <cohen.janet@epa.gov>; Sutton, Tia <sutton.tia@epa.gov>; Birgfeld, Erin <Birgfeld.Erin@epa.gov>
Subject: Press inquiries on small refinery hardship petitions

Deliberative Process / Ex. 5

As we've discussed with you, individual refinery petitions are claimed as CBI, and we are careful not to discuss details. We have, however, provided data on small refinery petition requests at the *aggregate* level on various occasions and in response to various inquiries, including from CRS, the media, and different FOIA requestors. We also discuss aggregate numbers of RINs affected by such decisions in our proposed and final volume rules.

We'll plan on responding to OPA tonight or tomorrow morning at the latest, but please let us know if you'd like to discuss this. – Chris

<https://www.reuters.com/article/us-usa-epa-biofuels-exclusive/exclusive-small-refiners-hit-epa-with-surge-of-biofuel-waiver-requests-sources-idUSKBN1FE1KA>

Message

From: Machiele, Paul [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B71A67C326714EBBAA72EDA552E55282-MACHIELE, PAUL]
Sent: 11/20/2018 1:32:34 PM
To: Bunker, Byron [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=ddf7bcf023d241a9a477a2dc75d5901c-Bunker, Byron]; Davis, Theresa [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=44d4095deb124294bc3b24916cb061bf-Davis, Ther]; Cohen, Janet [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d94b854e69cd4f9e80db946bf9d1c1b2-Cohen, Janet]; Parsons, Nick [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=7ba9a64331b0449a93ccc46f74d5d1f0-Parsons, Nick]; Piotrowski, Greg [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=40bd03b05b8a409f91fbb8e3432d01ab-Piotrowski, Greg]; Stahle, Susan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b25318c6014d4fb985288e15143c8596-SSTAHLE]; Sutton, Tia [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=25e87403f63143acbb959446512a372c-Sutton, Tia]; Weihrauch, John [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=74d426b7439045d9a0a65b186ea68b21-Jweihrau]; Wyborny, Lester [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d62d7c48ca7b4c15803f0bd9af8f6f73-Wyborny, Lester]; Tom White [Thomas.White@hq.doe.gov]; Michaels, Lauren [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=a44e1a5c23404801bd12621455cde517-Reid, Laure]; Master, Barbora [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=2c813860457b42019078b33089aaaaee5-bjemelko]; Li, Ryland (Shengzhi) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=7cf0eac9d34b446f88e03f8ec48274f1-Li, Shengzh]; Nelson, Karen [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3492adee9fab4a02956fc63f0de048b-Nelson, Kar]; Boylan, Thomas [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=32e90a8aa3b04741a8ffb43f7e8814f5-Boylan, Tho]; Le, Madison [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=9297d8b52bcb41319ba40d11142ab307-Le, Madison]
CC: Hengst, Benjamin [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c414e2bf04a246bb987d88498eefff06-Hengst, Benjamin]; Garfinkle, Stacey [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=a2805e56b3644032947d4ae0f7195283-Garfinkel.s]; Birgfeld, Erin [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3383bc15dd5542e5bff5c3de13ba9bf2-EBIRGFEL]; Charmley, William [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=fb1828fb00af42ffb68b9e0a71626d95-Charmley, William]
Subject: RE: RFS Small Refinery Club

Deliberative Process / Ex. 5

The 10:00 is not on my calendar, but I'll try to join if I can.

Paul

From: Bunker, Byron
Sent: Tuesday, November 20, 2018 8:24 AM

To: Machiele, Paul <machiele.paul@epa.gov>; Davis, Theresa <Davis.Theresa@epa.gov>; Cohen, Janet <cohen.janet@epa.gov>; Parsons, Nick <Parsons.Nick@epa.gov>; Piotrowski, Greg <piotrowski.greg@epa.gov>; Stahle, Susan <Stahle.Susan@epa.gov>; Sutton, Tia <sutton.tia@epa.gov>; Weihrauch, John <Weihrauch.John@epa.gov>; Wyborny, Lester <wyborny.lester@epa.gov>; Tom White <Thomas.White@hq.doe.gov>; Michaels, Lauren <Michaels.Lauren@epa.gov>; Master, Barbora <Master.Barbora@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Nelson, Karen <nelson.karen@epa.gov>; Boylan, Thomas <Boylan.Thomas@epa.gov>; Le, Madison <Le.Madison@epa.gov>

Cc: Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Garfinkle, Stacey <Garfinkle.stacey@epa.gov>; Birgfeld, Erin <Birgfeld.Erin@epa.gov>; Charmley, William <charmley.william@epa.gov>

Subject: RE: RFS Small Refinery Club

Thanks Paul.

Deliberative Process / Ex. 5

Please join the 10 AM meeting if you can (N62) so we can talk about other alternative approaches/arguments that could also get us to a reasonable outcome.

Thanks,

Byron

Byron Bunker
Director Compliance Division
Office of Transportation and Air Quality
Environmental Protection Agency
2000 Traverwood Drive
Ann Arbor, MI 48105
Bunker.Byron@epa.gov

Phone: (734) 214-4155

Mobile: (734) 353-9623

From: Machiele, Paul

Sent: Monday, November 19, 2018 9:50 PM

To: Bunker, Byron <bunker.byron@epa.gov>; Davis, Theresa <Davis.Theresa@epa.gov>; Cohen, Janet <cohen.janet@epa.gov>; Parsons, Nick <Parsons.Nick@epa.gov>; Piotrowski, Greg <piotrowski.greg@epa.gov>; Stahle, Susan <Stahle.Susan@epa.gov>; Sutton, Tia <sutton.tia@epa.gov>; Weihrauch, John <Weihrauch.John@epa.gov>; Wyborny, Lester <wyborny.lester@epa.gov>; Tom White <Thomas.White@hq.doe.gov>; Michaels, Lauren <Michaels.Lauren@epa.gov>; Master, Barbora <Master.Barbora@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Nelson, Karen <nelson.karen@epa.gov>; Boylan, Thomas <Boylan.Thomas@epa.gov>; Le, Madison <Le.Madison@epa.gov>

Cc: Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Garfinkle, Stacey <Garfinkle.stacey@epa.gov>; Birgfeld, Erin <Birgfeld.Erin@epa.gov>; Charmley, William <charmley.william@epa.gov>

Subject: RE: RFS Small Refinery Club

Byron,

I have not had time to actively follow the small refinery briefing, but I was surprised to see,

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Paul

From: Bunker, Byron

Sent: Monday, November 19, 2018 6:02 PM

To: Davis, Theresa <Davis.Theresa@epa.gov>; Cohen, Janet <cohen.janet@epa.gov>; Parsons, Nick <Parsons.Nick@epa.gov>; Piotrowski, Greg <piotrowski.greg@epa.gov>; Stahle, Susan <Stahle.Susan@epa.gov>; Sutton, Tia <sutton.tia@epa.gov>; Weihrauch, John <Weihrauch.John@epa.gov>; Wyborny, Lester <wyborny.lester@epa.gov>; Tom White <Thomas.White@hq.doe.gov>; Michaels, Lauren <Michaels.Lauren@epa.gov>; Master, Barbora <Master.Barbora@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Nelson, Karen <nelson.karen@epa.gov>; Boylan, Thomas <Boylan.Thomas@epa.gov>; Machiele, Paul <machiele.paul@epa.gov>; Le, Madison <Le.Madison@epa.gov>

Cc: Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Garfinkle, Stacey <Garfinkle.stacey@epa.gov>; Birgfeld, Erin <Birgfeld.Erin@epa.gov>

Subject: RE: RFS Small Refinery Club

I don't believe that Janet is going to be in the office tomorrow, but I would like to keep this meeting to catch up with the rest of the team. In Janet's absence, I took her latest draft of the follow up briefing and expanded it to cover what I

understood to be the main concerns with our new direction on SREs. I would like to go through this tomorrow and see if there are any important concerns that are missing or that are covered in insufficient detail.

Thanks,

Byron

Byron Bunker
Director Compliance Division
Office of Transportation and Air Quality
Environmental Protection Agency
2000 Traverwood Drive
Ann Arbor, MI 48105
Bunker.Byron@epa.gov
Phone: (734) 214-4155
Mobile: (734) 353-9623

-----Original Appointment-----

From: Davis, Theresa

Sent: Tuesday, November 13, 2018 11:55 AM

To: Davis, Theresa; Cohen, Janet; Parsons, Nick; Piotrowski, Greg; Stahle, Susan; Sutton, Tia; Weihrauch, John; Wyborny, Lester; Tom White; Michaels, Lauren; Master, Barbora; Li, Ryland (Shengzhi); Nelson, Karen; Boylan, Thomas; Machiele, Paul; Le, Madison

Cc: Hengst, Benjamin; Garfinkle, Stacey; Bunker, Byron; Erin Birgfeld (Erin.Birgfeld@epa.gov)

Subject: FW: RFS Small Refinery Club

When: Tuesday, November 20, 2018 10:00 AM-11:00 AM (UTC-05:00) Eastern Time (US & Canada).

Where: AA-Room-Office-N62-ASDCDConfRoom/AA-OTAQ-OFFICE

-----Original Appointment-----

From: Davis, Theresa

Sent: Tuesday, January 23, 2018 4:47 PM

To: Davis, Theresa; Cohen, Janet; Parsons, Nick; Piotrowski, Greg; Stahle, Susan; Sutton, Tia; Weihrauch, John; Wyborny, Lester; Tom White; Michaels, Lauren; Master, Barbora; Li, Ryland (Shengzhi); Nelson, Karen; Boylan, Thomas; Machiele, Paul; Le, Madison

Cc: Hengst, Benjamin; Garfinkle, Stacey; Erin Birgfeld (Erin.Birgfeld@epa.gov)

Subject: RFS Small Refinery Club

When: Occurs every Tuesday effective 4/24/2018 until 1/1/2019 from 10:00 AM to 11:00 AM (UTC-05:00) Eastern Time (US & Canada).

Where: AA-Room-Office-N62-ASDCDConfRoom/AA-OTAQ-OFFICE

Conference Line: Personal Phone / Ex. 6

Message

From: Parsons, Nick [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=7BA9A64331B0449A93CCC46F74D5D1F0-PARSONS, NICK]
Sent: 11/9/2017 1:20:40 PM
To: Sutton, Tia [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=25e87403f63143acbb959446512a372c-Sutton, Tia]; Cohen, Janet [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d94b854e69cd4f9e80db946bf9d1c1b2-Cohen, Janet]; Machiele, Paul [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b71a67c326714ebbaa72eda552e55282-Machiele, Paul]; McKenna, Chris [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=451b675850124bf4a9db1d577ee3b9af-McKenna, Ch]; Piotrowski, Greg [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=40bd03b05b8a409f91fbb8e3432d01ab-Piotrowski, Greg]; Michaels, Lauren [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=a44e1a5c23404801bd12621455cde517-Reid, Laure]; Stahle, Susan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b25318c6014d4fb985288e15143c8596-SSTAHLE]; Nelson, Karen [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3492adee9fab4a02956fcf63f0de048b-Nelson, Kar]; Li, Ryland (Shengzhi) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=7cf0eac9d34b446f88e03f8ec48274f1-Li, Shengzh]
CC: Bunker, Byron [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=ddf7bcf023d241a9a477a2dc75d5901c-Bunker, Byron]; Hengst, Benjamin [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c414e2bf04a246bb987d88498eefff06-Hengst, Benjamin]
Subject: RE: Small refinery comment from API's RFS 12866 meeting
Attachments: API 12866 Meeting 2018 RFS Final - Copy.pdf

Comments attached this time ☺

- Nick

From: Sutton, Tia
Sent: Wednesday, November 08, 2017 6:34 PM
To: Cohen, Janet <cohen.janet@epa.gov>; Machiele, Paul <machiele.paul@epa.gov>; McKenna, Chris <McKenna.Chris@epa.gov>; Parsons, Nick <Parsons.Nick@epa.gov>; Piotrowski, Greg <piotrowski.greg@epa.gov>; Michaels, Lauren <Michaels.Lauren@epa.gov>; Stahle, Susan <Stahle.Susan@epa.gov>; Nelson, Karen <nelson.karen@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>
Cc: Bunker, Byron <bunker.byron@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>
Subject: Small refinery comment from API's RFS 12866 meeting

Hi all,
See slide 8 of the attached slides (API's presentation from their 12866 meeting on the RFS rule) – just thought you all might be interested. And I can give a little more insight on what they mentioned during the meeting at next week's Tuesday Club Meeting.

-Tia

Message

From: Le, Madison [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=9297D8B52BCB41319BA40D11142AB307-LE, MADISON]
Sent: 10/19/2017 10:35:08 AM
To: Bunker, Byron [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=ddf7bcf023d241a9a477a2dc75d5901c-Bunker, Byron]
Subject: Small Refiner Coalition Comments - CEA
Attachments: 3105 Small Refiners Coalition.pdf; ATT00001.htm

Hi Byron,

The CEA discussion is on page 31-33.

Madison

Message

From: Cohen, Janet [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D94B854E69CD4F9E80DB946BF9D1C1B2-COHEN, JANET]
Sent: 9/28/2017 8:20:26 PM
To: Hengst, Benjamin [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c414e2bf04a246bb987d88498eefff06-Hengst, Benjamin]; Bunker, Byron [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=ddf7bcf023d241a9a477a2dc75d5901c-Bunker, Byron]
Subject: draft topics list attached
Attachments: 9_28_17 DRAFT Topics for 10_2_17 Small Refinery Chat with Chris.docx

Ben and Byron, just in case there are troubles getting into Sharepoint here's the doc I just sent a link to. –j. -

Message

From: Grundler, Christopher [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D3BE58C2CC8545D88CF74F3896D4460F-GRUNDLER, CHRISTOPHER]
Sent: 9/26/2017 12:46:03 AM
To: Bunker, Byron [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=ddf7bcf023d241a9a477a2dc75d5901c-Bunker, Byron]
CC: Hengst, Benjamin [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c414e2bf04a246bb987d88498eefff06-Hengst, Benjamin]
Subject: Re: Historic RFS Small Refinery Hardships - no least bad option?

Oh my. Rule of law can be inconvenient some times

Christopher Grundler, Director
Office of Transportation and Air Quality
U.S. Environmental Protection Agency
202.564.1682 (Washington DC)
734.214.4207 (Ann Arbor MI)
734.645.5221 (mobile)
www.epa.gov/otaq

On Sep 25, 2017, at 8:40 PM, Bunker, Byron <bunker.byron@epa.gov> wrote:

Hi Chris and Ben,

I am sorry for this rather long note, but I need to raise an issue for us to start thinking through how to best manage. Unfortunately, the issue takes some context to understand.

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

issue to make that conversation happen. I would like to talk with the two of you regarding how best to manage this issue. I will get time on our calendars.

Thanks,

Byron

Byron Bunker
Director Compliance Division
Office of Transportation and Air Quality
Environmental Protection Agency
2000 Traverwood Drive
Ann Arbor, MI 48105
Bunker.Byron@epa.gov
Phone: (734) 214-4155
Mobile: (734) 353-9623

Message

From: Hengst, Benjamin [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=C414E2BF04A246BB987D88498EEFF06-HENGST, BENJAMIN]
Sent: 10/12/2017 5:58:41 PM
To: Orlin, David [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=aa64dad518d64c5f9801eb9bb15b7ec3-DORLIN]
CC: Grundler, Christopher [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d3be58c2cc8545d88cf74f3896d4460f-Grundler, Christopher]; Bunker, Byron [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=ddf7bcf023d241a9a477a2dc75d5901c-Bunker, Byron]
Subject: RE: small refinery report: draft email to Mandy

Thanks, these look good to me. Although this language makes it sound like I'm a smart lawyer, when I'm not.

I'll send this to Mandy in the next hour or so.

From: Orlin, David
Sent: Thursday, October 12, 2017 1:56 PM
To: Hengst, Benjamin <Hengst.Benjamin@epa.gov>
Cc: Grundler, Christopher <grundler.christopher@epa.gov>; Bunker, Byron <bunker.byron@epa.gov>
Subject: RE: small refinery report: draft email to Mandy

I think these are mostly just stylistic edits—take some/all/none as seems appropriate to you.

David Orlin
U.S. EPA, Office of General Counsel
(202) 564-1222

From: Hengst, Benjamin
Sent: Thursday, October 12, 2017 12:52 PM
To: Orlin, David <Orlin.David@epa.gov>
Cc: Grundler, Christopher <grundler.christopher@epa.gov>; Bunker, Byron <bunker.byron@epa.gov>
Subject: small refinery report: draft email to Mandy

Dave—I've not gotten a call back from Mandy, so I'll send her a note. Below is what I'm planning on sending to Mandy. Let me know if you have edits. I tried to keep this pretty high level (because I think she's made up her mind already)

Mandy,

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

In the meantime we are working on the decision documents now, and hope to have something to share early next week.

Thanks
Ben

Message

From: Hengst, Benjamin [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=C414E2BF04A246BB987D88498EEFF06-HENGST, BENJAMIN]
Sent: 9/28/2017 2:37:38 PM
To: Stewart, Gwen [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3f8c5838943241caadb6005ffadd7db-gstewart]; White, Susan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=793788a2a8e24b67a9e621a97836ea86-White, Susa]
CC: Bunker, Byron [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=ddf7bcf023d241a9a477a2dc75d5901c-Bunker, Byron]; Cohen, Janet [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d94b854e69cd4f9e80db946bf9d1c1b2-Cohen, Janet]
Subject: Changing a meeting title

Hi Gwen—

Can you please change the title of the meeting on Chris's calendar, at 3pm on Monday Oct 2, to "Small Refinery Hardship Topics"?

Thanks
Ben

Message

From: Michaels, Lauren [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A44E1A5C23404801BD12621455CDE517-REID, LAURE]
Sent: 9/27/2017 7:56:48 PM
To: Cohen, Janet [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d94b854e69cd4f9e80db946bf9d1c1b2-Cohen, Janet]; Bunker, Byron [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=ddf7bcf023d241a9a477a2dc75d5901c-Bunker, Byron]
CC: Stahle, Susan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b25318c6014d4fb985288e15143c8596-SSTAHLE]
Subject: RE: draft 2017 RFS small refinery note

Attorney Client / Ex. 5

A proposed edit:

Attorney Client / Ex. 5

From: Cohen, Janet
Sent: Wednesday, September 27, 2017 3:54 PM
To: Bunker, Byron <bunker.byron@epa.gov>
Cc: Stahle, Susan <Stahle.Susan@epa.gov>; Michaels, Lauren <Michaels.Lauren@epa.gov>
Subject: FW: draft 2017 RFS small refinery note

Deliberative Process / Ex. 5

.....
Sarah,

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

I am happy to schedule time to talk if you would like more information or wish to discuss these issues further.

Chris

From: Cohen, Janet
Sent: Wednesday, September 27, 2017 1:58 PM
To: Byron Bunker <Bunker.Byron@epa.gov>
Subject: draft 2017 RFS small refinery note

Byron,

Here is a draft note for your review that Chris could send to Sarah as we discussed yesterday. You probably won't like the 2016 part but I think it is important for us to be sure our views are clear, and it seems that the late 2016's are a moving target so likely that piece will need to be removed or rewritten anyway after we learn what transpires between Mandy and DOE today. –j. –

.....

Sarah,

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

I am happy to schedule time to talk if you would like more information or wish to discuss these issues further.

Chris

Message

From: Stahle, Susan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B25318C6014D4FB985288E15143C8596-SSTAHL]
Sent: 8/15/2017 1:26:58 PM
To: Hengst, Benjamin [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c414e2bf04a246bb987d88498eefff06-Hengst, Benjamin]; Sutton, Tia [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=25e87403f63143acbb959446512a372c-Sutton, Tia]
CC: Cohen, Janet [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d94b854e69cd4f9e80db946bf9d1c1b2-Cohen, Janet]; Bunker, Byron [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=ddf7bcf023d241a9a477a2dc75d5901c-Bunker, Byron]
Subject: RE: small refinery hardships
Attachments: Status of petitions for Small Refiners Coalition members - 081517.docx

Ben --

I am attaching this document for you in case it provides helpful background on the state of the Small Refiner Coalition petitions. This is something I put together when we were working on our response to the stay motion, and I just updated it to reflect what happened with the 2016 petitions. It's likely that the counsel for this Coalition know what happened for all of these small refineries, and may have even seen the decision documents for each one, but I just don't know.

Attorney Client / Ex. 5

Susan Stahle
Attorney-Advisor
Air and Radiation Law Office
Office of General Counsel
U.S. Environmental Protection Agency
202-564-1272 (ph)
202-564-5603 (fax)
stahle.susan@epa.gov

-----Original Message-----

From: Stahle, Susan
Sent: Monday, August 14, 2017 5:33 PM
To: Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Sutton, Tia <sutton.tia@epa.gov>
Cc: Cohen, Janet <cohen.janet@epa.gov>; Bunker, Byron <bunker.byron@epa.gov>
Subject: RE: small refinery hardships

Attorney Client / Ex. 5

Susan Stahle
Attorney-Advisor
Air and Radiation Law Office
Office of General Counsel
U.S. Environmental Protection Agency
202-564-1272 (ph)
202-564-5603 (fax)
stahle.susan@epa.gov

-----Original Message-----

From: Hengst, Benjamin
Sent: Monday, August 14, 2017 5:15 PM
To: Sutton, Tia <sutton.tia@epa.gov>
Cc: Cohen, Janet <cohen.janet@epa.gov>; Bunker, Byron <bunker.byron@epa.gov>; Stahle, Susan <Stahle.Susan@epa.gov>
Subject: Re: small refinery hardships

Thanks Tia. Adding Sue.

Attorney Client / Ex. 5

> On Aug 14, 2017, at 5:08 PM, Sutton, Tia <sutton.tia@epa.gov> wrote:

Attorney Client / Ex. 5

> -----Original Message-----

> From: Cohen, Janet
> Sent: Monday, August 14, 2017 5:06 PM
> To: Hengst, Benjamin <Hengst.Benjamin@epa.gov>
> Cc: Bunker, Byron <bunker.byron@epa.gov>; Sutton, Tia <sutton.tia@epa.gov>
> Subject: Re: small refinery hardships

> Ben- haven't looked at the attent yet but here are a few things for your radar:

> - we've received four petitions so far for 2017

PBI / Ex. 4

> - J. -

>> On Aug 14, 2017, at 4:57 PM, Hengst, Benjamin <Hengst.Benjamin@epa.gov> wrote:

>> Byron—just tried you back.

>> Attached is what I wanted to talk about

>> I was (sadly) added to a meeting tomorrow morning at 10 am with the political gang here. They are meeting with the small refinery coalition to discuss small refinery hardships generally and this was attached. I just spoke to Sue about it.

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

>> Ben

>> <houseFY18e&wreportlanguage.pdf>

Message

From: Grundler, Christopher [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D3BE58C2CC8545D88CF74F3896D4460F-GRUNDLER, CHRISTOPHER]
Sent: 7/25/2017 9:14:59 PM
To: Bunker, Byron [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=ddf7bcf023d241a9a477a2dc75d5901c-Bunker, Byron]
Subject: RE: Draft note on Small Refinery Hardships

ok

Christopher Grundler, Director
Office of Transportation and Air Quality
U.S. Environmental Protection Agency
202.564.1682 (Washington, DC)
734.214.4207 (Ann Arbor, MI)

From: Bunker, Byron
Sent: Tuesday, July 25, 2017 5:10 PM
To: Grundler, Christopher <grundler.christopher@epa.gov>
Subject: RE: Draft note on Small Refinery Hardships

Deliberative Process / Ex. 5

Byron Bunker
Director Compliance Division
Office of Transportation and Air Quality
Environmental Protection Agency
2000 Traverwood Drive
Ann Arbor, MI 48105
Bunker.Byron@epa.gov
Phone: (734) 214-4155
Mobile: (734) 353-9623

From: Grundler, Christopher
Sent: Tuesday, July 25, 2017 5:05 PM
To: Bunker, Byron <bunker.byron@epa.gov>
Subject: RE: Draft note on Small Refinery Hardships

What about adding sentence on implications for annual rule?

Christopher Grundler, Director
Office of Transportation and Air Quality
U.S. Environmental Protection Agency
202.564.1682 (Washington, DC)
734.214.4207 (Ann Arbor, MI)

From: Bunker, Byron
Sent: Tuesday, July 25, 2017 5:04 PM
To: Grundler, Christopher <grundler.christopher@epa.gov>
Subject: RE: Draft note on Small Refinery Hardships

Hi Chris,

Deliberative Process / Ex. 5

Thanks,

Byron

Byron Bunker
Director Compliance Division
Office of Transportation and Air Quality
Environmental Protection Agency
2000 Traverwood Drive
Ann Arbor, MI 48105
Bunker.Byron@epa.gov
Phone: (734) 214-4155
Mobile: (734) 353-9623

From: Grundler, Christopher
Sent: Tuesday, July 25, 2017 2:13 PM
To: Bunker, Byron <bunker.byron@epa.gov>
Subject: Fwd: Draft note on Small Refinery Hardships

I have not sent. See David's comment and advise

Sent from my iPhone

Begin forwarded message:

From: "Li, Ryland (Shengzhi)" <Li.Ryland@epa.gov>
Date: July 20, 2017 at 4:26:58 PM EDT

To: "Orlin, David" <Orlin.David@epa.gov>, "Bunker, Byron" <bunker.byron@epa.gov>
Cc: "Grundler, Christopher" <grundler.christopher@epa.gov>, "Hengst, Benjamin"
<Hengst.Benjamin@epa.gov>, "Cohen, Janet" <cohen.janet@epa.gov>, "Dubois, Roland"
<Dubois.Roland@epa.gov>
Subject: RE: Draft note on Small Refinery Hardships

Deliberative Process / Ex. 5

From: Orlin, David
Sent: Thursday, July 20, 2017 3:55 PM
To: Bunker, Byron <bunker.byron@epa.gov>
Cc: Grundler, Christopher <grundler.christopher@epa.gov>; Hengst, Benjamin
<Hengst.Benjamin@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Cohen, Janet
<cohen.janet@epa.gov>; Dubois, Roland <Dubois.Roland@epa.gov>
Subject: Re: Draft note on Small Refinery Hardships

Attorney Client / Ex. 5

On Jul 20, 2017, at 3:52 PM, Bunker, Byron <bunker.byron@epa.gov> wrote:

Hi Chris,

Copied below is a draft note for Mandy. I have also attached the draft decision document with the team's comments removed. Please let me know if you need anything else.

Thanks,

Byron

***** draft note *****

Mandy,

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Byron Bunker
Director Compliance Division
Office of Transportation and Air Quality
Environmental Protection Agency
2000 Traverwood Drive
Ann Arbor, MI 48105
Bunker.Byron@epa.gov
Phone: (734) 214-4155
Mobile: (734) 353-9623

<Sinclair Support Document 20170711.docx>

Message

From: Grundler, Christopher [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D3BE58C2CC8545D88CF74F3896D4460F-GRUNDLER, CHRISTOPHER]
Sent: 7/19/2017 8:33:07 PM
To: Dunham, Sarah [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=a9444681441e4521ad92ae7d42919223-SDUNHAM]
CC: Lewis, Josh [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b22d1d3bb3f84436a524f76ab6c79d7e-JOLEWIS]; Hengst, Benjamin [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c414e2bf04a246bb987d88498eefff06-Hengst, Benjamin]; Bunker, Byron [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=ddf7bcf023d241a9a477a2dc75d5901c-Bunker, Byron]; Orlin, David [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=aa64dad518d64c5f9801eb9bb15b7ec3-DORLIN]; Li, Ryland (Shengzhi) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=7cf0eac9d34b446f88e03f8ec48274f1-Li, Shengzh]
Subject: Materials for the OTAQ General Discussion for Tomorrow @ 12:30-1:00
Attachments: Post Compliance Deadline Applications - Backgrounder v2.docx

Here is a 1-pager to guide our discussion tomorrow

Christopher Grundler, Director
Office of Transportation and Air Quality
U.S. Environmental Protection Agency
202.564.1682 (Washington, DC)
734.214.4207 (Ann Arbor, MI)

Message

From: Parsons, Nick [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=7BA9A64331B0449A93CCC46F74D5D1F0-PARSONS, NICK]
Sent: 7/19/2017 5:59:09 PM
To: Michaels, Lauren [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=a44e1a5c23404801bd12621455cde517-Reid, Laure]; Hengst, Benjamin [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c414e2bf04a246bb987d88498eefff06-Hengst, Benjamin]; Li, Ryland (Shengzhi) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=7cf0eac9d34b446f88e03f8ec48274f1-Li, Shengzh]; Machiele, Paul [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b71a67c326714ebbaa72eda552e55282-Machiele, Paul]; Cohen, Janet [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d94b854e69cd4f9e80db946bf9d1c1b2-Cohen, Janet]
CC: Sutton, Tia [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=25e87403f63143acbb959446512a372c-Sutton, Tia]; Bunker, Byron [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=ddf7bcf023d241a9a477a2dc75d5901c-Bunker, Byron]; Stahle, Susan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b25318c6014d4fb985288e15143c8596-SSTAHLE]; Orlin, David [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=aa64dad518d64c5f9801eb9bb15b7ec3-DORLIN]
Subject: RE: OTAQ: Argus (Elliott Blackburn) Re: RFS small refinery exemptions (Deadline: 7/20 10 AM)

I added the preceding sentence as well.

- Nick

From: Michaels, Lauren
Sent: Wednesday, July 19, 2017 1:57 PM
To: Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Machiele, Paul <machiele.paul@epa.gov>; Cohen, Janet <cohen.janet@epa.gov>
Cc: Sutton, Tia <sutton.tia@epa.gov>; Parsons, Nick <Parsons.Nick@epa.gov>; Bunker, Byron <bunker.byron@epa.gov>; Stahle, Susan <Stahle.Susan@epa.gov>; Orlin, David <Orlin.David@epa.gov>
Subject: RE: OTAQ: Argus (Elliott Blackburn) Re: RFS small refinery exemptions (Deadline: 7/20 10 AM)

The language is:

Deliberative Process / Ex. 5

I've attached the report as well.

From: Hengst, Benjamin
Sent: Wednesday, July 19, 2017 1:53 PM
To: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Machiele, Paul <machiele.paul@epa.gov>; Cohen, Janet <cohen.janet@epa.gov>
Cc: Sutton, Tia <sutton.tia@epa.gov>; Parsons, Nick <Parsons.Nick@epa.gov>; Michaels, Lauren

<Michaels.Lauren@epa.gov>; Bunker, Byron <bunker.byron@epa.gov>; Stahle, Susan <Stahle.Susan@epa.gov>; Orlin, David <Orlin.David@epa.gov>

Subject: RE: OTAQ: Argus (Elliott Blackburn) Re: RFS small refinery exemptions (Deadline: 7/20 10 AM)

Thanks.

Deliberative Process / Ex. 5

From: Li, Ryland (Shengzhi)

Sent: Wednesday, July 19, 2017 1:49 PM

To: Machiele, Paul <machiele.paul@epa.gov>; Cohen, Janet <cohen.janet@epa.gov>

Cc: Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Sutton, Tia <sutton.tia@epa.gov>; Parsons, Nick <Parsons.Nick@epa.gov>; Michaels, Lauren <Michaels.Lauren@epa.gov>; Bunker, Byron <bunker.byron@epa.gov>; Stahle, Susan <Stahle.Susan@epa.gov>; Orlin, David <Orlin.David@epa.gov>

Subject: RE: OTAQ: Argus (Elliott Blackburn) Re: RFS small refinery exemptions (Deadline: 7/20 10 AM)

Attorney Client / Ex. 5

From: Machiele, Paul

Sent: Tuesday, July 18, 2017 2:38 PM

To: Cohen, Janet <cohen.janet@epa.gov>

Cc: Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Sutton, Tia <sutton.tia@epa.gov>; Parsons, Nick <Parsons.Nick@epa.gov>; Michaels, Lauren <Michaels.Lauren@epa.gov>; Bunker, Byron <bunker.byron@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Stahle, Susan <Stahle.Susan@epa.gov>

Subject: Re: OTAQ: Argus (Elliott Blackburn) Re: RFS small refinery exemptions (Deadline: 7/20 10 AM)

Attorney Client / Ex. 5

Sent from my iPhone

On Jul 18, 2017, at 2:27 PM, Cohen, Janet <cohen.janet@epa.gov> wrote:

Hi Ben,

Deliberative Process / Ex. 5

- J. -

From: Hengst, Benjamin

Sent: Tuesday, July 18, 2017 1:55 PM

To: Sutton, Tia <sutton.tia@epa.gov>; Parsons, Nick <Parsons.Nick@epa.gov>; Michaels, Lauren <Michaels.Lauren@epa.gov>; Cohen, Janet <cohen.janet@epa.gov>; Bunker, Byron <bunker.byron@epa.gov>; Machiele, Paul <machiele.paul@epa.gov>

Cc: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Stahle, Susan <Stahle.Susan@epa.gov>

Subject: RE: OTAQ: Argus (Elliott Blackburn) Re: RFS small refinery exemptions (Deadline: 7/20 10 AM)

Nick or Janet:

Deliberative Process / Ex. 5

Thoughts?

From: Sutton, Tia

Sent: Tuesday, July 18, 2017 1:50 PM

To: Parsons, Nick <Parsons.Nick@epa.gov>; Michaels, Lauren <Michaels.Lauren@epa.gov>; Cohen, Janet <cohen.janet@epa.gov>; Bunker, Byron <bunker.byron@epa.gov>; Machiele, Paul <machiele.paul@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>

Cc: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Stahle, Susan <Stahle.Susan@epa.gov>

Subject: RE: OTAQ: Argus (Elliott Blackburn) Re: RFS small refinery exemptions (Deadline: 7/20 10 AM)

Deliberative Process / Ex. 5

From: Parsons, Nick

Sent: Tuesday, July 18, 2017 1:28 PM

To: Sutton, Tia <sutton.tia@epa.gov>; Michaels, Lauren <Michaels.Lauren@epa.gov>; Cohen, Janet <cohen.janet@epa.gov>; Bunker, Byron <bunker.byron@epa.gov>; Machiele, Paul <machiele.paul@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>

Cc: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Stahle, Susan <Stahle.Susan@epa.gov>

Subject: RE: OTAQ: Argus (Elliott Blackburn) Re: RFS small refinery exemptions (Deadline: 7/20 10 AM)

The answers to Argus' questions are below in red (not that we'll necessarily choose to provide

Deliberative Process / Ex. 5

- Nick

From: Sutton, Tia

Sent: Tuesday, July 18, 2017 12:15 PM

To: Michaels, Lauren <Michaels.Lauren@epa.gov>; Cohen, Janet <cohen.janet@epa.gov>; Bunker, Byron <bunker.byron@epa.gov>; Machiele, Paul <machiele.paul@epa.gov>; Parsons, Nick <Parsons.Nick@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>

Cc: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Stahle, Susan <Stahle.Susan@epa.gov>

Subject: RE: OTAQ: Argus (Elliott Blackburn) Re: RFS small refinery exemptions (Deadline: 7/20 10 AM)

I assumed so as well, but would good to make sure they're only talking about one.

From: Michaels, Lauren

Sent: Tuesday, July 18, 2017 12:05 PM

To: Sutton, Tia <sutton.tia@epa.gov>; Cohen, Janet <cohen.janet@epa.gov>; Bunker, Byron <bunker.byron@epa.gov>; Machiele, Paul <machiele.paul@epa.gov>; Parsons, Nick <Parsons.Nick@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>

Cc: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Stahle, Susan <Stahle.Susan@epa.gov>

Subject: RE: OTAQ: Argus (Elliott Blackburn) Re: RFS small refinery exemptions (Deadline: 7/20 10 AM)

Deliberative Process / Ex. 5

From: Sutton, Tia

Sent: Tuesday, July 18, 2017 11:47 AM

To: Cohen, Janet <cohen.janet@epa.gov>; Bunker, Byron <bunker.byron@epa.gov>; Machiele, Paul <machiele.paul@epa.gov>; Parsons, Nick <Parsons.Nick@epa.gov>; Michaels, Lauren <Michaels.Lauren@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>

Cc: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Stahle, Susan <Stahle.Susan@epa.gov>

Subject: FW: OTAQ: Argus (Elliott Blackburn) Re: RFS small refinery exemptions (Deadline: 7/20 10 AM)

Deliberative Process / Ex. 5

From: Millett, John

Sent: Tuesday, July 18, 2017 11:34 AM

To: Sutton, Tia <sutton.tia@epa.gov>; Argyropoulos, Paul <Argyropoulos.Paul@epa.gov>

Subject: FW: OTAQ: Argus (Elliott Blackburn) Re: RFS small refinery exemptions (Deadline: 7/20 10 AM)

Hi Tia and Paul – I'm backing up EB and CM this week. Do you mind pointing me in the right direction in tracking this down? Thanks!

From: Valentine, Julia
Sent: Tuesday, July 18, 2017 11:31 AM
To: Millett, John <Millett.John@epa.gov>; DeLuca, Isabel <DeLuca.Isabel@epa.gov>
Subject: OTAQ: Argus (Elliott Blackburn) Re: RFS small refinery exemptions (Deadline: 7/20 10 AM)

Hi there,

Inquiry from Elliott Blackburn at Argus.

He said he is "happy to discuss if there is something that will prevent the information from being gathered in that time frame."

Anyone else I should include in OTAQ with Chris and Erin out?

Thanks!

From: Elliott Blackburn [<mailto:elliott.blackburn@argusmedia.com>]
Sent: Tuesday, July 18, 2017 10:47 AM
To: Press <Press@epa.gov>
Subject: RFS small refinery exemptions

Good morning,

I want to better understand and explain the result of the explanatory statement regarding small refinery exemptions under the Renewable Fuel Standard referenced in the latest proposed rules.

- How many refineries received small refiner exemptions for the 2016 compliance year? 11 small refinery exemptions have been granted for 2016
- How many refineries did DOE recommend to receive small refiner exemptions for the 2016 compliance year? DOE recommended 4 full grants, 6 50% grants, 2 denials
- How many RINs would have obligated by refineries recommended for exemption by DOE? In other words, if the actual awarded small refinery exemptions represented 390mn RINs (according to the proposed rules) how much did the full list of DOE recommendations represent? ~240M RINs were recommended for exemption by DOE
- In EPA's understanding of the guidance to EPA in the Consolidated Appropriations Act of 2017, can the agency in future compliance years choose not to grant an exemption to a refinery recommended for exemption by DOE? Yes, but EPA would have to notify Congress in advance of the decision

Let me know if I can clarify any of these questions.

Thank you for your help,

Elliott

Elliott Blackburn
Downstream Reporter

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Direct: +1 713 429 6350
Email: elliott.blackburn@argusmedia.com
Skype ID: argus.elliott

Signal: (806) 319-5575

<image002.jpg>

www.argusmedia.com

Tel: +1 713 968 0000 | Fax: +1 713 622 2991 |

Argus Media Inc., 2929 Allen Parkway, Suite 700, Houston, Texas 77019, USA

<image003.jpg>

STAY CONNECTED: <image004.png> <image005.png> <image006.png> <image018.png>

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Message

From: Sutton, Tia [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=25E87403F63143ACBB959446512A372C-SUTTON, TIA]
Sent: 7/19/2017 4:34:26 PM
To: Bunker, Byron [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=ddf7bcf023d241a9a477a2dc75d5901c-Bunker, Byron]; Hengst, Benjamin [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c414e2bf04a246bb987d88498eefff06-Hengst, Benjamin]; Cohen, Janet [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d94b854e69cd4f9e80db946bf9d1c1b2-Cohen, Janet]; Le, Madison [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=9297d8b52bcb41319ba40d11142ab307-Le, Madison]; Michaels, Lauren [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=a44e1a5c23404801bd12621455cde517-Reid, Laure]; Parsons, Nick [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=7ba9a64331b0449a93ccc46f74d5d1f0-Parsons, Nick]; Orlin, David [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=aa64dad518d64c5f9801eb9bb15b7ec3-DORLIN]; Li, Ryland (Shengzhi) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=7cf0eac9d34b446f88e03f8ec48274f1-Li, Shengzh]; Stahle, Susan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b25318c6014d4fb985288e15143c8596-SSTAHLE]; Dubois, Roland [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=835458b87b574ccbb1704415df8413d1-RDUBOIS]
Subject: RE: Draft one-pager on Small Refinery Hardships
Attachments: Post Compliance Deadline Applications - Backgrounder_tls.docx

A few minor edits & a question in the attached.

From: Bunker, Byron
Sent: Wednesday, July 19, 2017 11:53 AM
To: Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Sutton, Tia <sutton.tia@epa.gov>; Cohen, Janet <cohen.janet@epa.gov>; Le, Madison <Le.Madison@epa.gov>; Michaels, Lauren <Michaels.Lauren@epa.gov>; Parsons, Nick <Parsons.Nick@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Stahle, Susan <Stahle.Susan@epa.gov>; Dubois, Roland <Dubois.Roland@epa.gov>
Subject: Draft one-pager on Small Refinery Hardships

Attached is a draft one-pager for Sarah on the late small refinery hardship petitions. This is largely based on our briefing

Deliberative Process / Ex. 5

Thanks,

Byron

Byron Bunker
Director Compliance Division
Office of Transportation and Air Quality
Environmental Protection Agency
2000 Traverwood Drive
Ann Arbor, MI 48105

Bunker.Byron@epa.gov

Phone: (734) 214-4155

Mobile: (734) 353-9623

Message

From: Cohen, Janet [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D94B854E69CD4F9E80DB946BF9D1C1B2-COHEN, JANET]
Sent: 7/13/2017 6:04:06 PM
To: Hengst, Benjamin [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c414e2bf04a246bb987d88498eefff06-Hengst, Benjamin]
CC: Bunker, Byron [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=ddf7bcf023d241a9a477a2dc75d5901c-Bunker, Byron]; Grundler, Christopher [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d3be58c2cc8545d88cf74f3896d4460f-Grundler, Christopher]
Subject: RE: Plan for late small refinery hardship petitions

Yes, sounds like we're fine but probably still a good idea to check it out directly with David when we get a chance, to be sure nothing got lost in translation along the long chain of info transmissions here.
- j.-

-----Original Message-----

From: Hengst, Benjamin
Sent: Thursday, July 13, 2017 1:48 PM
To: Cohen, Janet <cohen.janet@epa.gov>
Cc: Bunker, Byron <bunker.byron@epa.gov>; Grundler, Christopher <grundler.christopher@epa.gov>
Subject: Re: Plan for late small refinery hardship petitions

Well that's good! Apologies I didn't ask for more info earlier.

> On Jul 13, 2017, at 1:00 PM, Cohen, Janet <cohen.janet@epa.gov> wrote:

>
> I just spoke with Ryland. He said David told him that Lorie's concerns weren't substantive at all. She's fine with both the decision and the approach. She just wanted to know whether we would be making Sarah aware of this issue.

>
> I hope to get David's comments yet this week on the OGC draft Byron sent around but understand he is extremely busy.

>
> - j. -

> -----Original Message-----

> From: Bunker, Byron
> Sent: Thursday, July 13, 2017 12:30 PM
> To: Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Grundler, Christopher <grundler.christopher@epa.gov>
> Cc: Cohen, Janet <cohen.janet@epa.gov>
> Subject: RE: Plan for late small refinery hardship petitions

> Hi Ben,

Deliberative Process / Ex. 5

> Perhaps we can talk about this at the end of our 2:30 meeting with OGC today.

> Thanks,

> Byron

> *****

> Byron Bunker
> Director Compliance Division
> Office of Transportation and Air Quality Environmental Protection Agency
> 2000 Traverwood Drive
> Ann Arbor, MI 48105
> Bunker.Byron@epa.gov
> Phone: (734) 214-4155
> Mobile: (734) 353-9623

> *****

> -----Original Message-----

> From: Hengst, Benjamin
> Sent: Thursday, July 13, 2017 12:02 PM
> To: Grundler, Christopher <grundler.christopher@epa.gov>
> Cc: Bunker, Byron <bunker.byron@epa.gov>; Cohen, Janet <cohen.janet@epa.gov>
> Subject: Plan for late small refinery hardship petitions
>

Deliberative Process / Ex. 5

> Ben

Message

From: Grundler, Christopher [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D3BE58C2CC8545D88CF74F3896D4460F-GRUNDLER, CHRISTOPHER]
Sent: 7/13/2017 6:03:24 PM
To: Bunker, Byron [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=ddf7bcf023d241a9a477a2dc75d5901c-Bunker, Byron]; Hengst, Benjamin [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c414e2bf04a246bb987d88498eefff06-Hengst, Benjamin]
CC: Cohen, Janet [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d94b854e69cd4f9e80db946bf9d1c1b2-Cohen, Janet]
Subject: RE: Plan for late small refinery hardship petitions

These look good to me

Christopher Grundler, Director
Office of Transportation and Air Quality
U.S. Environmental Protection Agency
202.564.1682 (Washington, DC)
734.214.4207 (Ann Arbor, MI)

-----Original Message-----

From: Bunker, Byron
Sent: Thursday, July 13, 2017 12:30 PM
To: Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Grundler, Christopher <grundler.christopher@epa.gov>
Cc: Cohen, Janet <cohen.janet@epa.gov>
Subject: RE: Plan for late small refinery hardship petitions

Hi Ben,

Deliberative Process / Ex. 5

Perhaps we can talk about this at the end of our 2:30 meeting with OGC today.

Thanks,

Byron

Byron Bunker
Director Compliance Division
Office of Transportation and Air Quality Environmental Protection Agency
2000 Traverwood Drive
Ann Arbor, MI 48105
Bunker.Byron@epa.gov
Phone: (734) 214-4155
Mobile: (734) 353-9623

-----Original Message-----

From: Hengst, Benjamin
Sent: Thursday, July 13, 2017 12:02 PM
To: Grundler, Christopher <grundler.christopher@epa.gov>
Cc: Bunker, Byron <bunker.byron@epa.gov>; Cohen, Janet <cohen.janet@epa.gov>
Subject: Plan for late small refinery hardship petitions

Deliberative Process / Ex. 5

Ben

Message

From: Cohen, Janet [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D94B854E69CD4F9E80DB946BF9D1C1B2-COHEN, JANET]
Sent: 6/21/2017 2:05:28 PM
To: Bunker, Byron [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=ddf7bcf023d241a9a477a2dc75d5901c-Bunker, Byron]; Manners, Mary [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=ebdb1392504a4b71894970b1a7bb186c-Manners, Mary]
Subject: FW: Small Refinery/RFS Team Joint Meeting
Attachments: Hardship Accounting Background.docx

fyi

From: Michaels, Lauren
Sent: Tuesday, June 20, 2017 3:36 PM
To: Machiele, Paul <machiele.paul@epa.gov>; Cohen, Janet <cohen.janet@epa.gov>; Burkholder, Dallas <burkholder.dallas@epa.gov>; Korotney, David <korotney.david@epa.gov>; Parsons, Nick <Parsons.Nick@epa.gov>; Stahle, Susan <Stahle.Susan@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Piotrowski, Greg <piotrowski.greg@epa.gov>; Master, Barbora <Master.Barbora@epa.gov>; McKenna, Chris <McKenna.Chris@epa.gov>
Cc: Orlin, David <Orlin.David@epa.gov>; Dubois, Roland <Dubois.Roland@epa.gov>
Subject: RE: Small Refinery/RFS Team Joint Meeting

Hi all,

Attached is a background document on this issue.

Depending on how things are going with the RVO, this may get rescheduled, but as of now, this is still on.

Thanks,
Lauren

-----Original Appointment-----

From: Michaels, Lauren
Sent: Wednesday, June 14, 2017 1:40 PM
To: Michaels, Lauren; Machiele, Paul; Cohen, Janet; Burkholder, Dallas; Korotney, David; Parsons, Nick; Stahle, Susan; Li, Ryland (Shengzhi); Piotrowski, Greg; Master, Barbora; McKenna, Chris
Cc: Orlin David (Orlin.David@epa.gov); Dubois, Roland
Subject: Small Refinery/RFS Team Joint Meeting
When: Wednesday, June 21, 2017 11:00 AM-12:00 PM (UTC-05:00) Eastern Time (US & Canada).
Where: AA-Room-Office-S109-ConfRoom/AA-OTAQ-OFFICE

Call In: **Personal Phone / Ex. 6**

I'll plan to send out a one pager ahead of the meeting to guide our discussion.

Thanks!

Message

From: Grundler, Christopher [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D3BE58C2CC8545D88CF74F3896D4460F-GRUNDLER, CHRISTOPHER]
Sent: 6/28/2017 9:55:52 PM
To: Bunker, Byron [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=ddf7bcf023d241a9a477a2dc75d5901c-Bunker, Byron]
Subject: Re: Small Refinery exemptions timing

Ok thx

Sent from my iPhone

On Jun 28, 2017, at 5:36 PM, Bunker, Byron <bunker.byron@epa.gov> wrote:

Deliberative Process / Ex. 5

Byron Bunker
Director Compliance Division
Office of Transportation and Air Quality
Environmental Protection Agency
2000 Traverwood Drive
Ann Arbor, MI 48105
Bunker.Byron@epa.gov
Phone: (734) 214-4155
Mobile: (734) 353-9623

From: Grundler, Christopher
Sent: Wednesday, June 28, 2017 5:28 PM
To: Bunker, Byron <bunker.byron@epa.gov>
Subject: Small Refinery exemptions timing

Has there been a typical time during the compliance year when we receive hardship requests? Beginning---middle---right before the compliance year ends---right before the compliance deadline? Or no discernible pattern?

Sent from my iPhone

Message

From: Cohen, Janet [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D94B854E69CD4F9E80DB946BF9D1C1B2-COHEN, JANET]
Sent: 5/31/2017 12:59:42 PM
To: Hengst, Benjamin [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c414e2bf04a246bb987d88498eefff06-Hengst, Benjamin]; Orlin, David [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=aa64dad518d64c5f9801eb9bb15b7ec3-DORLIN]; Stahle, Susan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b25318c6014d4fb985288e15143c8596-SSTAHLE]; Li, Ryland (Shengzhi) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=7cf0eac9d34b446f88e03f8ec48274f1-Li, Shengzh]; Bunker, Byron [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=ddf7bcf023d241a9a477a2dc75d5901c-Bunker, Byron]; Manners, Mary [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=ebdb1392504a4b71894970b1a7bb186c-Manners, Mary]
CC: Davis, Theresa [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=44d4095deb124294bc3b24916cb061bf-Davis, Ther]
Subject: next steps on small refinery petitions, continued
Attachments: 5_31_17 draft outline small refinery briefing for next steps discussion.docx

All – Theresa is working on room arrangements so we can do a video call (and will send out the info) but I will open the phone line either way **Personal Phone / Ex. 6**

Also, here's the current version of the briefing we've been working on. This is still a work in progress.

- J. -

Message

From: Sutton, Tia [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=25E87403F63143ACBB959446512A372C-SUTTON, TIA]
Sent: 6/9/2017 9:58:48 PM
To: Bunker, Byron [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=ddf7bcf023d241a9a477a2dc75d5901c-Bunker, Byron]; Pugliese, Holly [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=31e59863cb0b4b48ae197c4c44f064b0-Pugliese, Holly]; Manners, Mary [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=ebdb1392504a4b71894970b1a7bb186c-Manners, Mary]; Duncan, Allen [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=5f4a476a56c342e7a2eed96115208ac-Duncan, All]; Cohen, Janet [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d94b854e69cd4f9e80db946bf9d1c1b2-Cohen, Janet]
CC: Hengst, Benjamin [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c414e2bf04a246bb987d88498eefff06-Hengst, Benjamin]
Subject: FW: Signed Congressionals: AL-17-000-6890, 6891, 6894, 7068, 7499
Attachments: Signed Response to the Hon. Sean P. Duffy -- AL-17-000-6890.pdf; Signed Response to the Hon. Susan Brooks -- AL-17-000-6891.pdf; Signed Response to the Hon. Glenn Thompson -- AL-17-000-6894.pdf; Signed Response to the Hon. Todd Rokita -- AL-17-000-7068.pdf; Signed Response to the Hon. Ted Budd -- AL-17-000-7499.pdf

Hi all,

These have not gone over to the Hill just yet, but wanted you all to have the signed copies of the attached CD letters -- the Rep. Budd Power Curbers letter, and all of the small refinery hardship letters.

Thanks,
Tia

From: Hamilton, Sabrina
Sent: Friday, June 09, 2017 4:12 PM
To: Eades, Cassaundra <Eades.Cassaundra@epa.gov>; Mims, Kathy <Mims.Kathy@epa.gov>
Cc: Lubetsky, Jonathan <Lubetsky.Jonathan@epa.gov>; Mroz, Jessica <mroz.jessica@epa.gov>; Cyran, Carissa <Cyran.Carissa@epa.gov>; Meekins, Tanya <Meekins.Tanya@epa.gov>; Sutton, Tia <sutton.tia@epa.gov>; Burch, Julia <Burch.Julia@epa.gov>; Davis, Matthew <Davis.Matthew@epa.gov>; Carroll, Maria <carroll.maria@epa.gov>; Haman, Patricia <Haman.Patricia@epa.gov>
Subject: Signed Congressionals (6) AL-17-000-6890, 6891, 6894, 7068, 7499 and 7781

Kathy and Sandy,

The attached letter was signed by Sarah Dunham and is ready for closure. I have imported the signed responses into CMS and I will hand carry the packages to OCIR for dispatching and closure. Thanks

Sabrina

Sabrina Hamilton
Air and Radiation Liaison Specialist
and FOIA Coordinator
Office of Air and Radiation - Correspondence Unit
U.S. Environmental Protection Agency (EPA)
1200 Pennsylvania Avenue, N.W. (6101-A)
Washington, D.C. 20460
Tel: (202) 564-1083
Fax: (202) 501-0600

From: Haman, Patricia
Sent: Friday, June 09, 2017 3:15 PM
To: Carroll, Maria <carroll.maria@epa.gov>; Hamilton, Sabrina <Hamilton.Sabrina@epa.gov>
Cc: Lubetsky, Jonathan <Lubetsky.Jonathan@epa.gov>; Mroz, Jessica <mroz.jessica@epa.gov>; Cyran, Carissa <Cyran.Carissa@epa.gov>; Meekins, Tanya <Meekins.Tanya@epa.gov>; Sutton, Tia <sutton.tia@epa.gov>; Burch, Julia <Burch.Julia@epa.gov>; Davis, Matthew <Davis.Matthew@epa.gov>
Subject: RE: Letters for signature

Yea!!!

Patricia Haman
Office of Congressional Affairs
U.S. EPA
202-564-2806

From: Carroll, Maria
Sent: Friday, June 09, 2017 2:45 PM
To: Haman, Patricia <Haman.Patricia@epa.gov>; Hamilton, Sabrina <Hamilton.Sabrina@epa.gov>
Cc: Lubetsky, Jonathan <Lubetsky.Jonathan@epa.gov>; Mroz, Jessica <mroz.jessica@epa.gov>; Cyran, Carissa <Cyran.Carissa@epa.gov>; Meekins, Tanya <Meekins.Tanya@epa.gov>; Sutton, Tia <sutton.tia@epa.gov>; Burch, Julia <Burch.Julia@epa.gov>; Davis, Matthew <Davis.Matthew@epa.gov>
Subject: RE: Letters for signature

Pat:

I received all of these letters in CMS.

From: Haman, Patricia
Sent: Friday, June 9, 2017 2:43 PM
To: Hamilton, Sabrina <Hamilton.Sabrina@epa.gov>; Carroll, Maria <carroll.maria@epa.gov>
Cc: Lubetsky, Jonathan <Lubetsky.Jonathan@epa.gov>; Mroz, Jessica <mroz.jessica@epa.gov>; Cyran, Carissa <Cyran.Carissa@epa.gov>; Meekins, Tanya <Meekins.Tanya@epa.gov>; Sutton, Tia <sutton.tia@epa.gov>; Burch, Julia <Burch.Julia@epa.gov>; Davis, Matthew <Davis.Matthew@epa.gov>
Subject: Letters for signature

Hi Everyone: CMS blinked out on me when I was using it today. So I am sending you a list of the letters OCIR (me) has signed off on today which are ready for signature; if you do not receive these through CMS, please let me know.

6894 Thompson
6890 Duffy
6891 Brooks
7068 Rokita
7499 Budd
7781 Gosar

Thank you and I believe we may get our spreadsheet in extra large print this week there will be so few letters left! Pat

Patricia Haman
Office of Congressional Affairs
U.S. EPA
202-564-2806

Message

From: Hengst, Benjamin [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=C414E2BF04A246BB987D88498EEFF06-HENGST, BENJAMIN]
Sent: 3/9/2017 2:00:29 PM
To: Grundler, Christopher [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d3be58c2cc8545d88cf74f3896d4460f-Grundler, Christopher]
CC: Orlin, David [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=aa64dad518d64c5f9801eb9bb15b7ec3-DORLIN]; Bunker, Byron [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=ddf7bcf023d241a9a477a2dc75d5901c-Bunker, Byron]
Subject: Re: Small Refinery Update

10-4

On Mar 9, 2017, at 8:32 AM, Grundler, Christopher <grundler.christopher@epa.gov> wrote:

I'd prefer a smaller separate meeting and one where you can join

Christopher Grundler, Director
Office of Transportation and Air Quality
U.S. Environmental Protection Agency
202/564-1682 (Washington DC)
734/214-4207 (Ann Arbor MI)

On Mar 9, 2017, at 8:10 AM, Hengst, Benjamin <Hengst.Benjamin@epa.gov> wrote:

Chris -- we have a light agenda for our ten am fuels weekly and can devote the majority of that hour to this issue

I won't be able to join but can catch up later (321 mgmt meeting). Ben

On Mar 9, 2017, at 7:57 AM, Grundler, Christopher <grundler.christopher@epa.gov> wrote:

A discussion on all of this is warranted. Byron pls arrange when ready. I don't see a reason to rush

Christopher Grundler, Director
Office of Transportation and Air Quality
U.S. Environmental Protection Agency
202/564-1682 (Washington DC)
734/214-4207 (Ann Arbor MI)

On Mar 8, 2017, at 11:30 PM, Orlin, David <Orlin.David@epa.gov> wrote:

Attorney Client; Deliberative / Ex. 5

On Mar 8, 2017, at 11:07 PM, Grundler, Christopher
<grundler.christopher@epa.gov> wrote:

Attorney Client; Deliberative / Ex. 5

Christopher Grundler, Director
Office of Transportation and Air Quality
U.S. Environmental Protection Agency
202/564-1682 (Washington DC)
734/214-4207 (Ann Arbor MI)

On Mar 8, 2017, at 8:45 PM, Bunker,
Byron <bunker.byron@epa.gov> wrote:

I will turn around
another version in the
morning taking on
those issues.

Attorney Client; Deliberative / Ex. 5

Attorney Client; Deliberative / Ex. 5

Thanks,

Byron

Byron Bunker
Director Compliance
Division
Office of Transportation
and Air Quality
Environmental
Protection Agency
2000 Traverwood Drive
Ann Arbor, MI 48105
Bunker.Byron@epa.gov
Phone: (734) 214-4155
Mobile: (734) 353-9623

From: Grundler,
Christopher
Sent: Wednesday,
March 08, 2017 8:27
PM
To: Bunker, Byron
<bunker.byron@epa.gov
v>

Cc: Hengst, Benjamin
<Hengst.Benjamin@epa.gov>; Orlin, David
<Orlin.David@epa.gov>
Subject: Re: Small
Refinery Update

Attorney Client; Deliberative / Ex. 5

Thx

Christopher Grundler,
Director
Office of Transportation
and Air Quality
U.S. Environmental
Protection Agency
202/564-1682
(Washington DC)
734/214-4207 (Ann
Arbor MI)

On Mar 8, 2017, at 7:34
PM, Bunker, Byron
<bunker.byron@epa.gov>
wrote:

Attorney Client; Deliberative / Ex. 5

Attorney Client; Deliberative / Ex. 5

David —

Attorney Client; Deliberative / Ex. 5

Thanks,

Byron

**

Byron
Bunker
Director
Compliance
Division
Office
of
Transportation and
Air
Quality
Environmental
Protection
Agency
2000
Traverse
wood
Drive
Ann
Arbor,
MI
48105

Bunker.

Byron

@epa.g

ov

Phone:

(734)

214-

4155

Mobile:

(734)

353-

9623

**

From:

Grundl
er,
Christo
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Sent:

Wedne
sday,
March
08,
2017
5:41
PM

To:

Bunker,
Byron
<bunke
r.byron
@epa.g
ov>

Cc:

Hengst,
Benjam
in
<Hengs
t.Benja
min@e
pa.gov>

Subject

: Small
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Update

Byron-

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Chris
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Message

From: Grundler, Christopher [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D3BE58C2CC8545D88CF74F3896D4460F-GRUNDLER, CHRISTOPHER]
Sent: 3/10/2017 5:55:12 PM
To: Bunker, Byron [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=ddf7bcf023d241a9a477a2dc75d5901c-Bunker, Byron]; Orlin, David [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=aa64dad518d64c5f9801eb9bb15b7ec3-DORLIN]; Stahle, Susan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b25318c6014d4fb985288e15143c8596-SSTAHLE]; Hengst, Benjamin [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c414e2bf04a246bb987d88498eefff06-Hengst, Benjamin]
Subject: RE: Updated 1.5 pager on RFS Small Refinery Hardships
Attachments: RFS Small Refinery Hardship - Options for New Approval CriteriaCGedits.docx

See my edits/question.

Deliberative Process / Ex. 5

Christopher Grundler, Director
Office of Transportation and Air Quality
U.S. Environmental Protection Agency
202.564.1682 (Washington, DC)
734.214.4207 (Ann Arbor, MI)

From: Bunker, Byron
Sent: Friday, March 10, 2017 10:53 AM
To: Orlin, David <Orlin.David@epa.gov>; Stahle, Susan <Stahle.Susan@epa.gov>; Grundler, Christopher <grundler.christopher@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>
Subject: RE: Updated 1.5 pager on RFS Small Refinery Hardships

Attached is an updated draft rolling in edits from everyone. I have also copied Ben's suggested transmittal note into the body of this note.

Deliberative Process / Ex. 5

Thanks,

Byron

Byron Bunker
Director Compliance Division
Office of Transportation and Air Quality
Environmental Protection Agency
2000 Traverwood Drive
Ann Arbor, MI 48105
Bunker.Byron@epa.gov

Phone: (734) 214-4155

Mobile: (734) 353-9623

From: Orlin, David

Sent: Thursday, March 09, 2017 6:48 PM

To: Stahle, Susan <Stahle.Susan@epa.gov>; Bunker, Byron <bunker.byron@epa.gov>; Grundler, Christopher <grundler.christopher@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>

Subject: RE: Updated 1.5 pager on RFS Small Refinery Hardships

Here are my thoughts. Hope they are helpful and timely (they are somewhat extensive but feel free to take any or none of them).

Deliberative Process / Ex. 5

I also added some intro language and a bullet at the end on the idea that option 3 is less defensible.

David Orlin

U.S. EPA, Office of General Counsel

(202) 564-1222

From: Stahle, Susan

Sent: Thursday, March 09, 2017 4:14 PM

To: Bunker, Byron <bunker.byron@epa.gov>; Grundler, Christopher <grundler.christopher@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Orlin, David <Orlin.David@epa.gov>

Subject: RE: Updated 1.5 pager on RFS Small Refinery Hardships

Some thoughts on this paper.

Susan Stahle

Attorney-Advisor

Air and Radiation Law Office

Office of General Counsel

U.S. Environmental Protection Agency

202-564-1272 (ph)

202-564-5603 (fax)

stahle.susan@epa.gov

From: Bunker, Byron

Sent: Thursday, March 09, 2017 1:52 PM

To: Grundler, Christopher <grundler.christopher@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Stahle, Susan <Stahle.Susan@epa.gov>

Subject: Updated 1.5 pager on RFS Small Refinery Hardships

Attached is an updated draft that attempts to get at our keypoints from the call today in as short a format as possible. I

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Thanks,

Byron

Byron Bunker
Director Compliance Division
Office of Transportation and Air Quality
Environmental Protection Agency
2000 Traverwood Drive
Ann Arbor, MI 48105
Bunker.Byron@epa.gov
Phone: (734) 214-4155
Mobile: (734) 353-9623

Message

From: Hengst, Benjamin [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=C414E2BF04A246BB987D88498EEFF06-HENGST, BENJAMIN]
Sent: 3/23/2017 12:51:19 AM
To: McGartland, Al [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=5fe25fc1df634f9798675527e0070429-AMcGartl]; Nagelhout, Peter [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=ac91f9e8081043ddb90277b19047c84c-PNagelho]
CC: Bunker, Byron [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=ddf7bcf023d241a9a477a2dc75d5901c-Bunker, Byron]
Subject: RFS small refinery hardship materials--contains CBI
Attachments: RFS Small Refinery Briefing 3-21-2017.pptx; 3_20_17 RFS Small Refinery Grants and Denials_v3.docx

Al, Peter: I've attached the material we've used to brief the new political team on this topic. Byron Bunker's team runs the show on this, though I keep track of it the extent I can (Byron is also out the next two days).

Please note that if the new team is about to change the process on this issue, then you guys may not want to spend too much time reviewing our methodology to date.

What I've attached should give you a good start on the background and what we do, so take a look and we'll go from there.

Thanks
Ben

Message

From: Hengst, Benjamin [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=C414E2BF04A246BB987D88498EEFF06-HENGST, BENJAMIN]
Sent: 3/22/2017 9:49:45 PM
To: Bunker, Byron [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=ddf7bcf023d241a9a477a2dc75d5901c-Bunker, Byron]; Orlin, David [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=aa64dad518d64c5f9801eb9bb15b7ec3-DORLIN]
Subject: FW: RFS small refinery hardship options paper
Attachments: RFS Small Refinery Hardship - Options for New Approval Criteria 3-22-17.docx

From: Hengst, Benjamin
Sent: Wednesday, March 22, 2017 5:49 PM
To: Gunasekara, Amanda <gunasekara.amanda@epa.gov>
Cc: Sarah Dunham <Dunham.Sarah@epa.gov>; Josh Lewis <Lewis.Josh@epa.gov>
Subject: RFS small refinery hardship options paper

Hi Mandy—

I've attached the options paper related to small refinery hardship grants that I mentioned in our meeting. Please let us know if you have any questions or need more on this.

Thanks, Ben

Message

From: Hengst, Benjamin [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=C414E2BF04A246BB987D88498EEFF06-HENGST, BENJAMIN]
Sent: 3/9/2017 3:35:39 PM
To: Bunker, Byron [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=ddf7bcf023d241a9a477a2dc75d5901c-Bunker, Byron]; Orlin, David [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=aa64dad518d64c5f9801eb9bb15b7ec3-DORLIN]; Grundler, Christopher [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d3be58c2cc8545d88cf74f3896d4460f-Grundler, Christopher]
Subject: RE: Small Refinery Update

Deliberative Process / Ex. 5

Now that I'm thinking of all this, I have a number of thoughts to share

From: Bunker, Byron
Sent: Thursday, March 09, 2017 8:13 AM
To: Orlin, David <Orlin.David@epa.gov>; Grundler, Christopher <grundler.christopher@epa.gov>
Cc: Hengst, Benjamin <Hengst.Benjamin@epa.gov>
Subject: RE: Small Refinery Update

I do think this is a key question, "is there a rationale that supports option 3?"

Deliberative Process / Ex. 5

I will see if we can find time to talk today.

Thanks,

Byron

Byron Bunker
Director Compliance Division
Office of Transportation and Air Quality
Environmental Protection Agency
2000 Traverwood Drive
Ann Arbor, MI 48105
Bunker.Byron@epa.gov
Phone: (734) 214-4155
Mobile: (734) 353-9623

From: Orlin, David
Sent: Wednesday, March 08, 2017 11:30 PM
To: Grundler, Christopher <grundler.christopher@epa.gov>
Cc: Bunker, Byron <bunker.byron@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>
Subject: Re: Small Refinery Update

We would actually want to talk about whether there is a rationale that supports option 3.

On Mar 8, 2017, at 11:07 PM, Grundler, Christopher <grundler.christopher@epa.gov> wrote:

Sorry. I keep thinking of other dimensions

Attorney Client, Deliberative / Ex. 5

Christopher Grundler, Director
Office of Transportation and Air Quality
U.S. Environmental Protection Agency
202/564-1682 (Washington DC)
734/214-4207 (Ann Arbor MI)

On Mar 8, 2017, at 8:45 PM, Bunker, Byron <bunker.byron@epa.gov> wrote:

I will turn around another version in the morning taking on those issues.

Deliberative Process / Ex. 5

Attorney Client, Deliberative / Ex. 5

Thanks,

Byron

Byron Bunker
Director Compliance Division
Office of Transportation and Air Quality
Environmental Protection Agency
2000 Traverwood Drive
Ann Arbor, MI 48105
Bunker.Byron@epa.gov
Phone: (734) 214-4155
Mobile: (734) 353-9623

From: Grundler, Christopher
Sent: Wednesday, March 08, 2017 8:27 PM
To: Bunker, Byron <bunker.byron@epa.gov>
Cc: Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Orlin, David <Orlin.David@epa.gov>
Subject: Re: Small Refinery Update

Deliberative Process / Ex. 5

Thx

Christopher Grundler, Director
Office of Transportation and Air Quality
U.S. Environmental Protection Agency
202/564-1682 (Washington DC)
734/214-4207 (Ann Arbor MI)

On Mar 8, 2017, at 7:34 PM, Bunker, Byron <bunker.byron@epa.gov> wrote:

Deliberative Process / Ex. 5

Thanks,

Byron

Byron Bunker
Director Compliance Division
Office of Transportation and Air Quality
Environmental Protection Agency
2000 Traverwood Drive
Ann Arbor, MI 48105
Bunker.Byron@epa.gov
Phone: (734) 214-4155
Mobile: (734) 353-9623

From: Grundler, Christopher
Sent: Wednesday, March 08, 2017 5:41 PM
To: Bunker, Byron <bunker.byron@epa.gov>
Cc: Hengst, Benjamin <Hengst.Benjamin@epa.gov>
Subject: Small Refinery Update

Byron-

Deliberative Process / Ex. 5

Chris

<RFS Small Refinery Hardship - Options for New Approval
Criteria.docx>

Message

From: Bunker, Byron [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=DDF7BCF023D241A9A477A2DC75D5901C-BUNKER, BYRON]
Sent: 10/29/2018 9:00:36 PM
To: Hengst, Benjamin [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c414e2bf04a246bb987d88498eefff06-Hengst, Benjamin]
Subject: FW: Small Refinery Hardship

From: Bunker, Byron
Sent: Monday, October 29, 2018 2:58 PM
To: Cohen, Janet <cohen.janet@epa.gov>
Subject: Small Refinery Hardship

Hi Janet,

Copied below is the conceptual framework that we discussed for how to both consider the Small Refinery applications for hardship and our decision documents. Please review/edit and then distribute as appropriate.

Thanks,

Byron

Deliberative Process / Ex. 5

Byron Bunker
Director Compliance Division
Office of Transportation and Air Quality
Environmental Protection Agency
2000 Traverwood Drive
Ann Arbor, MI 48105
Bunker.Byron@epa.gov
Phone: (734) 214-4155
Mobile: (734) 353-9623

Message

From: Bunker, Byron [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=DDF7BCF023D241A9A477A2DC75D5901C-BUNKER, BYRON]
Sent: 8/21/2018 12:11:15 PM
To: Cook, Leila [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d4536ad140a1461781d78ca67921b02f-Cook, Leila]
Subject: RE: Karen Nelson

Deliberative Process / Ex. 5

Thanks - Byron

Byron Bunker
Director Compliance Division
Office of Transportation and Air Quality
Environmental Protection Agency
2000 Traverwood Drive
Ann Arbor, MI 48105
Bunker.Byron@epa.gov
Phone: (734) 214-4155
Mobile: (734) 353-9623

From: Cook, Leila
Sent: Monday, August 20, 2018 5:24 PM
To: Bunker, Byron <bunker.byron@epa.gov>
Subject: Karen Nelson

Hi Byron,

Deliberative Process / Ex. 5

Lee

Appointment

From: Bunker, Byron [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=DDF7BCF023D241A9A477A2DC75D5901C-BUNKER, BYRON]
Sent: 4/11/2017 7:47:02 PM
To: Grundler, Christopher [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d3be58c2cc8545d88cf74f3896d4460f-Grundler, Christopher]
Subject: Accepted: RFS Small Refinery Hardship Decisions
Location: RM. 6520 DC/RM. C-174 DOD AA
Start: 4/21/2017 3:00:00 PM
End: 4/21/2017 4:00:00 PM
Show Time As: Busy

Appointment

From: Bunker, Byron [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=DDF7BCF023D241A9A477A2DC75D5901C-BUNKER, BYRON]
Sent: 2/22/2017 5:41:13 PM
To: Dunham, Sarah [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=a9444681441e4521ad92ae7d42919223-SDUNHAM]
Subject: Accepted: Small Refinery RFS Exemption Decision
Location: WJC-N 5400 + C-174 DOD AA + 1
Start: 2/27/2017 3:00:00 PM
End: 2/27/2017 4:00:00 PM
Show Time As: Busy

Appointment

From: Bunker, Byron [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=DDF7BCF023D241A9A477A2DC75D5901C-BUNKER, BYRON]
Sent: 2/22/2017 3:57:58 PM
To: Grundler, Christopher [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d3be58c2cc8545d88cf74f3896d4460f-Grundler, Christopher]
Subject: Accepted: Small Refinery RFS Exemption Decision
Location: RM. 6520 DC/RM. C-174 DOD AA
Start: 2/24/2017 3:00:00 PM
End: 2/24/2017 4:00:00 PM
Show Time As: Busy

Message

From: Bunker, Byron [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=DDF7BCF023D241A9A477A2DC75D5901C-BUNKER, BYRON]
Sent: 8/2/2018 7:03:32 PM
To: Hengst, Benjamin [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c414e2bf04a246bb987d88498eefff06-Hengst, Benjamin]; Cohen, Janet [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d94b854e69cd4f9e80db946bf9d1c1b2-Cohen, Janet]
CC: Sutton, Tia [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=25e87403f63143acbb959446512a372c-Sutton, Tia]
Subject: RE: Question from DA on RFS Petitions

Thanks Ben.

This looks good to me. While there is a lot we could share about the history, that would likely be better shared via a future conversation should Henry wish.

Thanks,

Byron

Byron Bunker
Director Compliance Division
Office of Transportation and Air Quality
Environmental Protection Agency
2000 Traverwood Drive
Ann Arbor, MI 48105
Bunker.Byron@epa.gov
Phone: (734) 214-4155
Mobile: (734) 353-9623

From: Hengst, Benjamin
Sent: Thursday, August 02, 2018 2:37 PM
To: Bunker, Byron <bunker.byron@epa.gov>; Cohen, Janet <cohen.janet@epa.gov>
Cc: Sutton, Tia <sutton.tia@epa.gov>
Subject: FW: Question from DA on RFS Petitions

Here's what I'll send at 4pm, unless you have edits:

Hi Laura, here's OTAQ's response to pass along as you see fit. Thanks, Ben

Can you please find out how many petitions we get a year and whether we ever exceed the 90 days we are allowed to make a decision?

Year and number of small refinery exemption (SRE) petitions received

2013 – 16
2014 – 13
2015 – 14
2016 – 20

EPA strives to issue our determination on SRE petitions within 90 days. We have exceeded the 90 day target on a number of occasions, often due to the need to work with petitioners to ensure petitions are complete. We would be happy to discuss the background and program history further with Henry or others.

From: Gentile, Laura
Sent: Thursday, August 2, 2018 9:53 AM
To: Sutton, Tia <sutton.tia@epa.gov>; Cohen, Janet <cohen.janet@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>
Cc: Zenick, Elliott <Zenick.Elliott@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Orlin, David <Orlin.David@epa.gov>
Subject: RE: Question from DA on RFS Petitions

Thanks Dave – am also including Tia and Janet, as suggested by Susan Stahle

Tia, Janet and Ben,
Henry would like to know how many petitions we get a year and whether we ever exceed the 90 days we are allowed to make a decision.

Administrator Wheeler was asked about it during his testimony yesterday.

Would it be possible for OGC to provide this information today?

Thanks a lot, and please let me know if there's anything I can do to help.
Laura

From: Orlin, David
Sent: Thursday, August 02, 2018 9:45 AM
To: Gentile, Laura <Gentile.Laura@epa.gov>
Cc: Zenick, Elliott <Zenick.Elliott@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>
Subject: Re: Question from DA on RFS Petitions

Ben Hengst, currently acting director of OTAQ, should have this data (or most easily be able to collect it)

David Orlin
(202) 564-1222

On Aug 2, 2018, at 9:33 AM, Gentile, Laura <Gentile.Laura@epa.gov> wrote:

Hi Dave and Elliott,

I'm hoping that one of you may be able to help me to track down the information requested by Henry below. Please let me know, and thanks very much.

Laura

Laura Gentile
Permitting Improvement Advisor
Office of the Administrator

From: Darwin, Henry
Sent: Thursday, August 02, 2018 9:20 AM
To: Gentile, Laura <Gentile.Laura@epa.gov>
Subject: RFS Petitions

Laura:

Can you please find out how many petitions we get a year and whether we ever exceed the 90 days we are allowed to make a decision? Administrator Wheeler was asked about it during his testimony yesterday.

<https://www.epa.gov/renewable-fuel-standard-program/renewable-fuel-standard-exemptions-small-refineries>

Thanks

Henry

Message

From: Bunker, Byron [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=DDF7BCF023D241A9A477A2DC75D5901C-BUNKER, BYRON]
Sent: 6/6/2016 10:56:38 PM
To: Hengst, Benjamin [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c414e2bf04a246bb987d88498eefff06-Hengst, Benjamin]
CC: Sutton, Tia [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=25e87403f63143acbb959446512a372c-Sutton, Tia]
Subject: FW: RFS - Small Refinery Hardship
Attachments: SROAHC RFS Letter - 6.6.2016.pdf

FYI

Byron Bunker
Director Compliance Division
Office of Transportation and Air Quality
Environmental Protection Agency
2000 Traverwood Drive
Ann Arbor, MI 48105
Bunker.Byron@epa.gov
Phone: (734) 214-4155
Mobile: (734) 353-9623

From: Hughes, Krista (Perkins Coie) [mailto:KHughes@perkinscoie.com]
Sent: Monday, June 06, 2016 6:53 PM
To: Grundler, Christopher <grundler.christopher@epa.gov>; Bunker, Byron <bunker.byron@epa.gov>
Cc: McCabe, Janet <McCabe.Janet@epa.gov>; Read, David <read.david@epa.gov>; David.Rostker@sba.gov; Johnson Koch, LeAnn M. (Perkins Coie) <LeAnnJohnson@perkinscoie.com>
Subject: RFS - Small Refinery Hardship

All,

Attached please find correspondence from the Small Refinery Owners Ad Hoc Coalition regarding EPA's RFS hardship program.

Thank you,
Krista

Krista Hughes | Perkins Coie LLP
ASSOCIATE
700 Thirteenth Street, N.W. Suite 600
Washington, DC 20005-3960
D. +1.202.654.6309
F. +1.202.654.9989
E. KHughes@perkinscoie.com

NOTICE: This communication may contain privileged or other confidential information. If you have received it in error, please advise the sender by reply email and immediately delete the message and any attachments without copying or disclosing the contents. Thank you.

ED_002308_00049383-00001

Message

From: Bunker, Byron [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=DDF7BCF023D241A9A477A2DC75D5901C-BUNKER, BYRON]
Sent: 6/6/2016 10:56:05 PM
To: Cohen, Janet [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d94b854e69cd4f9e80db946bf9d1c1b2-Cohen, Janet]
CC: Orlin, David [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=aa64dad518d64c5f9801eb9bb15b7ec3-DORLIN]; Read, David [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=dd15b97b60dd487bb865978544f1f6be-Read, David]; Stahle, Susan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b25318c6014d4fb985288e15143c8596-SSTAHLE]
Subject: FW: RFS - Small Refinery Hardship
Attachments: SROAHC RFS Letter - 6.6.2016.pdf

See attached. I haven't read this yet.

Byron Bunker
Director Compliance Division
Office of Transportation and Air Quality
Environmental Protection Agency
2000 Traverwood Drive
Ann Arbor, MI 48105
Bunker.Byron@epa.gov
Phone: (734) 214-4155
Mobile: (734) 353-9623

From: Hughes, Krista (Perkins Coie) [<mailto:KHughes@perkinscoie.com>]
Sent: Monday, June 06, 2016 6:53 PM
To: Grundler, Christopher <grundler.christopher@epa.gov>; Bunker, Byron <bunker.byron@epa.gov>
Cc: McCabe, Janet <McCabe.Janet@epa.gov>; Read, David <read.david@epa.gov>; David.Rostker@sba.gov; Johnson Koch, LeAnn M. (Perkins Coie) <LeAnnJohnson@perkinscoie.com>
Subject: RFS - Small Refinery Hardship

All,

Attached please find correspondence from the Small Refinery Owners Ad Hoc Coalition regarding EPA's RFS hardship program.

Thank you,
Krista

Krista Hughes | Perkins Coie LLP
ASSOCIATE
700 Thirteenth Street, N.W. Suite 600
Washington, DC 20005-3960
D. +1.202.654.6309
F. +1 202 654 9969
E. KHughes@perkinscoie.com

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ED_002308_00049392-00001

Message

From: Bunker, Byron [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=DDF7BCF023D241A9A477A2DC75D5901C-BUNKER, BYRON]
Sent: 3/23/2017 2:01:12 AM
To: Hengst, Benjamin [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c414e2bf04a246bb987d88498eefff06-Hengst, Benjamin]
Subject: Re: RFS small refinery hardship materials--contains CBI

Depending on the time that Al and Peter want to put into this I can send them the two DOE reports, the Appropriations language, an example decision and the court decisions affirming our approach. Just let me know.

Thanks,

Byron

Sent from my iPhone

On Mar 22, 2017, at 8:51 PM, Hengst, Benjamin <Hengst.Benjamin@epa.gov> wrote:

Al, Peter: I've attached the material we've used to brief the new political team on this topic. Byron Bunker's team runs the show on this, though I keep track of it the extent I can (Byron is also out the next two days).

Please note that if the new team is about to change the process on this issue, then you guys may not want to spend too much time reviewing our methodology to date.

What I've attached should give you a good start on the background and what we do, so take a look and we'll go from there.

Thanks

Ben

<RFS Small Refinery Briefing 3-21-2017.pptx>

<3_20_17 RFS Small Refinery Grants and Denials_v3.docx>

Message

From: Bunker, Byron [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=DDF7BCF023D241A9A477A2DC75D5901C-BUNKER, BYRON]
Sent: 3/8/2017 8:48:08 PM
To: Grundler, Christopher [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d3be58c2cc8545d88cf74f3896d4460f-Grundler, Christopher]
CC: Hengst, Benjamin [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c414e2bf04a246bb987d88498eefff06-Hengst, Benjamin]; Cohen, Janet [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d94b854e69cd4f9e80db946bf9d1c1b2-Cohen, Janet]
Subject: RE: RFS hardship denial recommendation

Chris,

Following is a draft note for Sarah.

Sarah,

Deliberative Process / Ex. 5

Please let me know if you would prefer to take the meeting with Tim Go.

Thanks,

Byron

Byron Bunker
Director Compliance Division
Office of Transportation and Air Quality
Environmental Protection Agency
2000 Traverwood Drive
Ann Arbor, MI 48105
Bunker.Byron@epa.gov
Phone: (734) 214-4155
Mobile: (734) 353-9623

From: Grundler, Christopher
Sent: Tuesday, March 07, 2017 10:17 PM
To: Bunker, Byron <bunker.byron@epa.gov>
Cc: Hengst, Benjamin <Hengst.Benjamin@epa.gov>
Subject: Re: RFS hardship denial recommendation

Okay. Makes sense

Christopher Grundler, Director
Office of Transportation and Air Quality
U.S. Environmental Protection Agency
202/564-1682 (Washington DC)
734/214-4207 (Ann Arbor MI)

On Mar 7, 2017, at 9:52 PM, Bunker, Byron <bunker.byron@epa.gov> wrote:

Ben and I discussed it a little this afternoon.

Attorney Client, Deliberative / Ex. 5

Attorney Client, Deliberative / Ex. 5

Thanks,

Byron

Sent from my iPhone

On Mar 7, 2017, at 9:38 PM, Grundler, Christopher <grundler.christopher@epa.gov> wrote:

Deliberative Process / Ex. 5

Christopher Grundler, Director
Office of Transportation and Air Quality
U.S. Environmental Protection Agency
202/564-1682 (Washington DC)
734/214-4207 (Ann Arbor MI)

On Mar 7, 2017, at 3:46 PM, Hengst, Benjamin <Hengst.Benjamin@epa.gov> wrote:

Byron—sounds good, you and I can talk at our 4pm.

Deliberative Process / Ex. 5

From: Bunker, Byron
Sent: Tuesday, March 07, 2017 3:37 PM
To: Grundler, Christopher <grundler.christopher@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>
Subject: RE: RFS hardship denial recommendation

This looks like they took a pretty thoughtful approach to summarizing what we sent forward. That is very good to see.

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Thanks,

Byron

Byron Bunker
Director Compliance Division
Office of Transportation and Air Quality
Environmental Protection Agency
2000 Traverwood Drive
Ann Arbor, MI 48105
Bunker.Byron@epa.gov
Phone: (734) 214-4155
Mobile: (734) 353-9623

From: Grundler, Christopher
Sent: Tuesday, March 07, 2017 1:40 PM
To: Bunker, Byron <bunker.byron@epa.gov>; Hengst, Benjamin
<Hengst.Benjamin@epa.gov>
Subject: FW: RFS hardship denial recommendation

See attachment developed by OP and Schnare

From: Dunham, Sarah
Sent: Tuesday, March 07, 2017 8:39 AM
To: Grundler, Christopher <grundler.christopher@epa.gov>; Lewis, Josh
<Lewis.Josh@epa.gov>
Subject: Fwd: RFS hardship denial recommendation

FYI. This looks like it draws from what we sent forward.

Begin forwarded message:

From: "Schnare, David" <schnare.david@epa.gov>
Date: March 7, 2017 at 8:17:12 AM EST

To: "Jackson, Ryan" <jackson.ryan@epa.gov>, "Brown, Byron" <brown.byron@epa.gov>, "Dravis, Samantha" <dravis.samantha@epa.gov>

Cc: "Dunham, Sarah" <Dunham.Sarah@epa.gov>

Subject: RFS hardship denial recommendation

Please provide me your recommendation per the attached. It would be very helpful to deal with this today.

Deliberative Process / Ex. 5

dschnare

Message

From: Bunker, Byron [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=DDF7BCF023D241A9A477A2DC75D5901C-BUNKER, BYRON]
Sent: 3/9/2016 3:45:08 PM
To: Machiele, Paul [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b71a67c326714ebbaa72eda552e55282-Machiele, Paul]
Subject: RE: Revised small refinery hardship briefing document for Janet McCabe

Deliberative Process / Ex. 5

Thanks,

Byron

Byron Bunker
Director Compliance Division
Office of Transportation and Air Quality
Environmental Protection Agency
2000 Traverwood Drive
Ann Arbor, MI 48105
Bunker.Byron@epa.gov
Phone: (734) 214-4155
Mobile: (734) 353-9623

From: Machiele, Paul
Sent: Wednesday, March 09, 2016 10:31 AM
To: Bunker, Byron <bunker.byron@epa.gov>
Subject: RE: Revised small refinery hardship briefing document for Janet McCabe

Deliberative Process / Ex. 5

From: Bunker, Byron
Sent: Wednesday, March 09, 2016 10:11 AM
To: Machiele, Paul <machiele.paul@epa.gov>
Subject: RE: Revised small refinery hardship briefing document for Janet McCabe

Maybe I am missing something, but it is the same debate.

Deliberative Process / Ex. 5

Byron Bunker
Director Compliance Division
Office of Transportation and Air Quality
Environmental Protection Agency
2000 Traverwood Drive
Ann Arbor, MI 48105
Bunker.Byron@epa.gov
Phone: (734) 214-4155
Mobile: (734) 353-9623

From: Machiele, Paul
Sent: Wednesday, March 09, 2016 9:01 AM
To: Bunker, Byron <bunker.byron@epa.gov>
Subject: RE: Revised small refinery hardship briefing document for Janet McCabe

Byron – just to you.

Deliberative Process / Ex. 5

PaulM

From: Bunker, Byron
Sent: Wednesday, March 09, 2016 8:26 AM
To: Machiele, Paul <machiele.paul@epa.gov>; Read, David <read.david@epa.gov>; Manners, Mary <manners.mary@epa.gov>; Cohen, Janet <cohen.janet@epa.gov>; Le, Madison <Le.Madison@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Stahle, Susan <Stahle.Susan@epa.gov>; Parsons, Nick <Parsons.Nick@epa.gov>; Reid, Lauren <Reid.Lauren@epa.gov>; Hantman, Irene <Hantman.Irene@epa.gov>; Piotrowski, Greg <piotrowski.greg@epa.gov>; McKenna, Chris <McKenna.Chris@epa.gov>; Sutton, Tia <sutton.tia@epa.gov>; Argyropoulos, Paul <Argyropoulos.Paul@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>
Subject: RE: Revised small refinery hardship briefing document for Janet McCabe

Hi Paul,

Deliberative Process / Ex. 5

Thanks,

Byron

Byron Bunker
Director Compliance Division
Office of Transportation and Air Quality
Environmental Protection Agency
2000 Traverwood Drive
Ann Arbor, MI 48105
Bunker.Byron@epa.gov
Phone: (734) 214-4155
Mobile: (734) 353-9623

From: Machiele, Paul

Sent: Wednesday, March 09, 2016 8:20 AM

To: Bunker, Byron <bunker.byron@epa.gov>; Read, David <read.david@epa.gov>; Manners, Mary <manners.mary@epa.gov>; Cohen, Janet <cohen.janet@epa.gov>; Le, Madison <Le.Madison@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Stahle, Susan <Stahle.Susan@epa.gov>; Parsons, Nick <Parsons.Nick@epa.gov>; Reid, Lauren <Reid.Lauren@epa.gov>; Hantman, Irene <Hantman.Irene@epa.gov>; Piotrowski, Greg <piotrowski.greg@epa.gov>; McKenna, Chris <McKenna.Chris@epa.gov>; Sutton, Tia <sutton.tia@epa.gov>; Argyropoulos, Paul <Argyropoulos.Paul@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>

Subject: RE: Revised small refinery hardship briefing document for Janet McCabe

Deliberative Process / Ex. 5

PaulM

From: Bunker, Byron

Sent: Tuesday, March 08, 2016 9:15 PM

To: Read, David <read.david@epa.gov>; Manners, Mary <manners.mary@epa.gov>; Cohen, Janet <cohen.janet@epa.gov>; Le, Madison <Le.Madison@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Stahle, Susan <Stahle.Susan@epa.gov>; Parsons, Nick <Parsons.Nick@epa.gov>; Reid, Lauren <Reid.Lauren@epa.gov>; Hantman, Irene <Hantman.Irene@epa.gov>; Piotrowski, Greg <piotrowski.greg@epa.gov>; McKenna, Chris <McKenna.Chris@epa.gov>; Sutton, Tia <sutton.tia@epa.gov>; Machiele, Paul <machiele.paul@epa.gov>; Argyropoulos, Paul <Argyropoulos.Paul@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>

Subject: RE: Revised small refinery hardship briefing document for Janet McCabe

Thanks David.

I am sorry that I overlooked this before, but I think we should change the fourth bullet on slide 2 from

Deliberative Process / Ex. 5

To

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Thanks,

Byron

Byron Bunker
Director Compliance Division
Office of Transportation and Air Quality
Environmental Protection Agency
2000 Traverwood Drive
Ann Arbor, MI 48105
Bunker.Byron@epa.gov
Phone: (734) 214-4155
Mobile: (734) 353-9623

From: Read, David

Sent: Tuesday, March 08, 2016 4:03 PM

To: Bunker, Byron <bunker.byron@epa.gov>; Manners, Mary <manners.mary@epa.gov>; Cohen, Janet <cohen.janet@epa.gov>; Le, Madison <Le.Madison@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Stahle, Susan <Stahle.Susan@epa.gov>; Parsons, Nick <Parsons.Nick@epa.gov>; Reid, Lauren <Reid.Lauren@epa.gov>; Hantman, Irene <Hantman.Irene@epa.gov>; Piotrowski, Greg <piotrowski.greg@epa.gov>; McKenna, Chris <McKenna.Chris@epa.gov>; Sutton, Tia <sutton.tia@epa.gov>; Machiele, Paul <machiele.paul@epa.gov>; Argyropoulos, Paul <Argyropoulos.Paul@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>

Subject: Revised small refinery hardship briefing document for Janet McCabe

Attached is the revised briefing document, for your comments and suggestions.

Pursuant to our various discussions, the following changes were made:

Deliberative Process / Ex. 5

Message

From: Bunker, Byron [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=DDF7BCF023D241A9A477A2DC75D5901C-BUNKER, BYRON]
Sent: 5/29/2015 9:20:56 PM
To: Hengst, Benjamin [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c414e2bf04a246bb987d88498eefff06-Hengst, Benjamin]
Subject: FW: ***No RFS Exemptions for Small Refineries for 2015 So Far: EPA

Hi Ben,

Congratulations on getting through the day. From what I can see, things went very well. If that isn't the right conclusion, I will look forward to hearing the low down later.

Do you know anything about the OPIS article copied below? I am curious as to their source for this information. I am assuming that we are not the source. If we are, I would like to have a conversation about the information we are sharing here. Getting back to me on this can definitely wait until next week.

I hope that you enjoy a well-deserved break this weekend.

Thanks,

Byron

-----Original Message-----

From: opisalerts@opisnet.com [<mailto:opisalerts@opisnet.com>]
Sent: Friday, May 29, 2015 2:31 PM
To: OPIS Price Watch Alert
Subject: ***No RFS Exemptions for Small Refineries for 2015 So Far: EPA

2015-05-29 03:29:39 EDT

***No RFS Exemptions for Small Refineries for 2015 So Far: EPA

The Environmental Protection Agency said on Friday that no RFS exemptions for small oil refiners in the U.S. have been approved for 2015 or 2016 so far even though three refineries received exemptions for 2014.

EPA released its Renewable Fuel Standard target proposal on Friday, and the lower-than-expected ethanol blending requirements were seen as positive for U.S.

refiners, especially those who were net short on RINs. In the past, three refineries -- Alon's 82,000-b/d Krotz Springs, Calumet's 60,000-b/d Shreveport and Calumet's 14,500-b/d San Antonio -- were exempted from the RFS mandate.

EPA said that it had calculated the percentage standards for these years without a small refinery/small refiner adjustment.

Any requests for exemptions for 2014, 2015 or 2016 that are approved prior to the final rule will be reflected in the relevant standards in the final rule, as provided in the formulas described in the preceding section, EPA said.

Any requests for exemption that are approved after the release of the final 2014, 2015 and 2016 standards will not affect those standards, it said.

In CAA section 211(o)(9), enacted as part of the Energy Policy Act of 2005, Congress provided a temporary exemption to small refineries through Dec. 31, 2010.

Congress provided that small refineries could receive a temporary extension of the exemption beyond 2010 based on an EPA determination of disproportionate economic hardship on a case-by-case basis in response to refiner petitions.

The proposed applicable percentage standards for 2014 reflect the fact that the gasoline and diesel volumes associated with these three small refineries have been exempted.

Several small refineries were denied the RFS exemptions. These included Hunt Refining, Kern Oil & Refining, Placid, Sinclair and Lion Oil.

According to refining sources, the RFS exemptions would allow small refiners to skip buying RINs in the spot market to meet the RFS2 obligations if they are short. The exemptions are expected to last at least one year. Certain EPA emissions and fuel regulations provide for regulatory relief in specified circumstances when a regulated party can demonstrate that compliance would impose severe hardship.

These hardship exemptions only apply or are available to small oil refiners, according to the EPA. Hardship exemptions could also be issued for unusual circumstances, small businesses and equipment manufacturers.

A refiner may apply for or waive exemption at any time. The exemptions would offer extended relief under the RFS2 program for a period of not less than two additional years, according to the EPA.

To qualify as a small refiner, a refiner must employ an average of no more than 1,500 people. The refiner must have a corporate average crude oil capacity of less than 155,000 barrels per calendar day for the year.

--Edgar Ang, eang@opisnet.com

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Message

From: Bunker, Byron [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=DDF7BCF023D241A9A477A2DC75D5901C-BUNKER, BYRON]
Sent: 2/3/2017 9:19:16 PM
To: Grundler, Christopher [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d3be58c2cc8545d88cf74f3896d4460f-Grundler, Christopher]
CC: Cohen, Janet [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d94b854e69cd4f9e80db946bf9d1c1b2-Cohen, Janet]; Hengst, Benjamin [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c414e2bf04a246bb987d88498eefff06-Hengst, Benjamin]
Subject: Small Refinery Hardship Note
Attachments: 2_3_17 decision metrics summary table 2014-2016.doc; 2_3_17 decision metrics summary table 2016.doc; 2_3_17 RFS Small Refinery Hardships 2016 Petition Recommendations Summary.docx

Hi Chris,

Copied below is a note from Janet with a draft note to Sarah and a summary for you. I have reviewed the draft note to Sarah which looks good to go from my perspective.

Thanks,

Byron

From: Cohen, Janet
Sent: Friday, February 03, 2017 3:20 PM
To: Bunker, Byron <bunker.byron@epa.gov>
Subject: draft note to chris for your review

Byron,
Here's a start on a note that can go to Chris. I'm including just the summaries here, thinking that if we wait until next

Deliberative Process / Ex. 5

- J. -

.....
Chris,

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Here is a note you can use to transmit to Sarah per her request:

.....

Sarah,

Deliberative Process / Ex. 5

I have attached an overview table that summarizes the pending decisions.

Appointment

From: Bunker, Byron [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=DDF7BCF023D241A9A477A2DC75D5901C-BUNKER, BYRON]
Sent: 2/2/2017 9:32:49 PM
To: Sutton, Tia [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=25e87403f63143acbb959446512a372c-Sutton, Tia]

Subject: Accepted: Small refinery hardship FOIA discussion

Location: Call-in: Personal Phone / Ex. 6

Start: 2/6/2017 5:00:00 PM

End: 2/6/2017 5:30:00 PM

Show Time As: Busy

Message

From: Bunker, Byron [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=DDF7BCF023D241A9A477A2DC75D5901C-BUNKER, BYRON]
Sent: 2/2/2017 3:07:52 PM
To: OTAQ Materials [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d024a3342082470eada2969a12393750-OTAQ Materi]; Hengst, Benjamin [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c414e2bf04a246bb987d88498eefff06-Hengst, Benjamin]
Subject: FW: draft small refinery transition briefing
Attachments: 2_1_17 DRAFT smal refinery transition briefing new version for Chris review.pptx; 2_1_17 decision summary table all years.doc

See below. I didn't notice that it hadn't gone to OTAQ Materials.

From: Cohen, Janet
Sent: Wednesday, February 01, 2017 3:28 PM
To: Grundler, Christopher <grundler.christopher@epa.gov>
Cc: Bunker, Byron <bunker.byron@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Machiele, Paul <machiele.paul@epa.gov>; Master, Barbora <Master.Barbora@epa.gov>; McKenna, Chris <McKenna.Chris@epa.gov>; Parsons, Nick <Parsons.Nick@epa.gov>; Piotrowski, Greg <piotrowski.greg@epa.gov>; Reid, Lauren <Reid.Lauren@epa.gov>; Stahle, Susan <Stahle.Susan@epa.gov>; Sutton, Tia <sutton.tia@epa.gov>; thomas.white@hq.doe.gov; Weihrauch, John <Weihrauch.John@epa.gov>; Williams, Brent <Williams.Brent@epa.gov>
Subject: draft small refinery transition briefing

Chris – attached for your review and comment are materials for the RFS small refinery briefing with Sarah scheduled for Friday. This version incorporates Byron's comments. You will see two placeholder slides in the powerpoint document. They are for the comparative net margin and net income tables provided in the second attachment. Apologies for the placeholder but I need a little time to figure out how to make the tables legible in a powerpoint format.

- J. -

Message

From: Bunker, Byron [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=DDF7BCF023D241A9A477A2DC75D5901C-BUNKER, BYRON]
Sent: 9/18/2014 5:51:25 PM
To: Manners, Mary [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=ebdb1392504a4b71894970b1a7bb186c-Manners, Mary]; Cohen, Janet [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d94b854e69cd4f9e80db946bf9d1c1b2-Cohen, Janet]
Subject: RE: is this the document referred to as the "midnight addendum"?

Thanks Mary.

Deliberative Process / Ex. 5

Thanks,

Byron

Byron Bunker
Director Compliance Division
Office of Transportation and Air Quality
Environmental Protection Agency
2000 Traverwood Drive
Ann Arbor, MI 48105
Bunker.Byron@epa.gov
Phone: (734) 214-4155
Mobile: (734) 353-9623

From: Manners, Mary
Sent: Thursday, September 18, 2014 1:07 PM
To: Cohen, Janet
Cc: Bunker, Byron
Subject: FW: is this the document referred to as the "midnight addendum"?

Deliberative Process / Ex. 5

From: Korotney, David
Sent: Thursday, September 18, 2014 12:37 PM
To: Nagelhout, Peter
Cc: Brunner, Christine; Manners, Mary; Burkholder, Dallas
Subject: RE: is this the document referred to as the Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

From: Nagelhout, Peter

Sent: Thursday, September 18, 2014 12:01 PM

To: Korotney, David; Burkholder, Dallas

Subject: is this the document referred to as the **Deliberative Process / Ex. 5**

Hello David and Dallas,

Deliberative Process / Ex. 5

Thanks

Peter

<http://epa.gov/otag/fuels/renewablefuels/documents/rfs2-small-refiner-study-addendum-05-2014.pdf>

Message

From: Bunker, Byron [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=DDF7BCF023D241A9A477A2DC75D5901C-BUNKER, BYRON]
Sent: 5/19/2014 7:22:40 PM
To: Cook, Leila [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d4536ad140a1461781d78ca67921b02f-Cook, Leila]
Subject: FW: Approps Followup--small refiners

Hi Lee,

I should have copied you on this note. It has additional background on the RFS hardships.

Thanks,

Byron

-----Original Message-----

From: Bunker, Byron
Sent: Sunday, May 18, 2014 6:11 AM
To: Walsh, Ed
Cc: Haley, Mike; Grundler, Christopher
Subject: FW: Approps Followup--small refiners

Hi Ed,

Deliberative Process / Ex. 5

Thanks,

Byron

From: Bunker, Byron
Sent: Thursday, May 15, 2014 3:02 AM

To: Grundler, Christopher; Haley, Mike
Subject: RE: Approps Followup--small refiners

Process

<http://www.epa.gov/otaq/regs/hardship-exemptions/hardship.htm>

[http://www.ecfr.gov/cgi-bin/text-](http://www.ecfr.gov/cgi-bin/text-idx?c=ecfr&SID=15aa2dd04f0ede89f963d0dcffb2b2b2&rgn=div5&view=text&node=40:17.0.1.1.9&idno=40#40:17.0.1.1.9.13.93.23)

[idx?c=ecfr&SID=15aa2dd04f0ede89f963d0dcffb2b2b2&rgn=div5&view=text&node=40:17.0.1.1.9&idno=40#40:17.0.1.1.9.13.93.23](http://www.ecfr.gov/cgi-bin/text-idx?c=ecfr&SID=15aa2dd04f0ede89f963d0dcffb2b2b2&rgn=div5&view=text&node=40:17.0.1.1.9&idno=40#40:17.0.1.1.9.13.93.23)

Criteria (inc DOE scoring)

<http://www.epa.gov/otaq/fuels/renewablefuels/compliancehelp/small-refinery-exempt-study.pdf>

<http://www.epa.gov/otaq/fuels/renewablefuels/compliancehelp/420f11015.pdf>

Exemptions granted/denied

I will send this separately later today.

From: Grundler, Christopher

Sent: Monday, May 12, 2014 9:31 AM

To: Bunker, Byron; Haley, Mike

Subject: Approps Followup--small refiners

Pls pull together ready information on small refiner rfs exemptions that is publically available:

Process

Criteria (inc DOE scoring)

Exemptions granted/denied

Message

From: Bunker, Byron [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=DDF7BCF023D241A9A477A2DC75D5901C-BUNKER, BYRON]
Sent: 2/27/2017 5:56:11 PM
To: Reid, Lauren [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=a44e1a5c23404801bd12621455cde517-Reid, Laure]
CC: Cohen, Janet [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d94b854e69cd4f9e80db946bf9d1c1b2-Cohen, Janet]
Subject: Denial 2-Pager for Review
Attachments: Small refinery denials for 2016.docx

Hi Lauren,

Could you give this two-pager a quick review for the right numbers and any other issues you might see. It is my work product cutting and pasting from the slides that you, Nick and Greg pulled together. Unless I have a cutting and pasting error, it should exactly match. But, given the consequences I would love a second review before we send this forward.

Thanks,

Byron

Byron Bunker
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Environmental Protection Agency
2000 Traverwood Drive
Ann Arbor, MI 48105
Bunker.Byron@epa.gov
Phone: (734) 214-4155
Mobile: (734) 353-9623

Message

From: Bunker, Byron [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=DDF7BCF023D241A9A477A2DC75D5901C-BUNKER, BYRON]
Sent: 3/4/2016 3:27:46 AM
To: Read, David [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=dd15b97b60dd487bb865978544f1f6be-Read, David]; Machiele, Paul [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b71a67c326714ebbaa72eda552e55282-Machiele, Paul]; Cohen, Janet [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d94b854e69cd4f9e80db946bf9d1c1b2-Cohen, Janet]; Hantman, Irene [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=ef8ec244f17c4acf9561fbc9b94f1431-Hantman, Ir]; Parsons, Nick [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=7ba9a64331b0449a93ccc46f74d5d1f0-Parsons, Nick]; Piotrowski, Greg [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=40bd03b05b8a409f91fbb8e3432d01ab-Piotrowski, Greg]; Reid, Lauren [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=a44e1a5c23404801bd12621455cde517-Reid, Laure]; Stahle, Susan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b25318c6014d4fb985288e15143c8596-SSTAHLE]; Sutton, Tia [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=25e87403f63143acbb959446512a372c-Sutton, Tia]; Weihrauch, John [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=74d426b7439045d9a0a65b186ea68b21-Jweihrau]; Le, Madison [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=9297d8b52bcb41319ba40d11142ab307-Le, Madison]; McKenna, Christopher [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=451b675850124bf4a9db1d577ee3b9af-McKenna, Ch]; Lucca, Jose [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=93ebf05687a9459097ffeda8dba04e00-Jlucca]
CC: Manners, Mary [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=ebdb1392504a4b71894970b1a7bb186c-Manners, Mary]
Subject: RE: RFS small refinery hardship - draft briefing/recommendation for Janet McCabe
Attachments: RFS small refinery hardship exemptions (v2)(draft 3 3 16)(briefing for Janet M) bjb.pptx

Hi David,

Please see the attached draft with my suggested edits/comments. I ended up having quite a few changes and as a result stopped trying to track all of them with redline and strikeout. I think they will all still be obvious.

One very general request is that we do these briefings without any background and with the pages formatted letter size (8.5 x 11). For Janet, we almost exclusively deal with paper copies and should format the PPT accordingly.

Thanks for pulling this together. I think it tells a clear and compelling story.

Thanks,

Byron

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Phone: (734) 214-4155
Mobile: (734) 353-9623

From: Read, David

Sent: Thursday, March 03, 2016 4:00 PM

To: Machiele, Paul <machiele.paul@epa.gov>; Cohen, Janet <cohen.janet@epa.gov>; Hantman, Irene <Hantman.Irene@epa.gov>; Parsons, Nick <Parsons.Nick@epa.gov>; Piotrowski, Greg <piotrowski.greg@epa.gov>; Reid, Lauren <Reid.Lauren@epa.gov>; Stahle, Susan <Stahle.Susan@epa.gov>; Sutton, Tia <sutton.tia@epa.gov>; Weihrauch, John <Weihrauch.John@epa.gov>; Le, Madison <Le.Madison@epa.gov>; McKenna, Christopher <mckenna.christopher@epa.gov>; Lucca, Jose <Lucca.Jose@epa.gov>

Cc: Bunker, Byron <bunker.byron@epa.gov>; Manners, Mary <manners.mary@epa.gov>

Subject: RE: RFS small refinery hardship - draft briefing/recommendation for Janet McCabe

I added an executive summary slide (slide 2) and an illustration slide (slide 15). I haven't addressed Paul M's comments yet; I'll wait until tomorrow to receive all comments first.

From: Machiele, Paul

Sent: Thursday, March 03, 2016 2:59 PM

To: Read, David <read.david@epa.gov>; Cohen, Janet <cohen.janet@epa.gov>; Hantman, Irene <Hantman.Irene@epa.gov>; Parsons, Nick <Parsons.Nick@epa.gov>; Piotrowski, Greg <piotrowski.greg@epa.gov>; Reid, Lauren <Reid.Lauren@epa.gov>; Stahle, Susan <Stahle.Susan@epa.gov>; Sutton, Tia <sutton.tia@epa.gov>; Weihrauch, John <Weihrauch.John@epa.gov>; Le, Madison <Le.Madison@epa.gov>; McKenna, Christopher <mckenna.christopher@epa.gov>

Cc: Bunker, Byron <bunker.byron@epa.gov>; Manners, Mary <manners.mary@epa.gov>

Subject: RE: RFS small refinery hardship - draft briefing/recommendation for Janet McCabe

This is a very "wordy" briefing, making it hard for me to offer edits, so let me offer to you a few comments.

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

I'm not in on Monday, so I'll count on you to appropriately reflect this.

Paul

From: Read, David

Sent: Thursday, March 03, 2016 11:31 AM

To: Cohen, Janet <cohen.janet@epa.gov>; Hantman, Irene <Hantman.Irene@epa.gov>; Machiele, Paul <machiele.paul@epa.gov>; Parsons, Nick <Parsons.Nick@epa.gov>; Piotrowski, Greg <piotrowski.greg@epa.gov>; Reid, Lauren <Reid.Lauren@epa.gov>; Stahle, Susan <Stahle.Susan@epa.gov>; Sutton, Tia <sutton.tia@epa.gov>; Weihrauch, John <Weihrauch.John@epa.gov>; Le, Madison <Le.Madison@epa.gov>; McKenna, Christopher <mckenna.christopher@epa.gov>

Cc: Bunker, Byron <bunker.byron@epa.gov>; Manners, Mary <manners.mary@epa.gov>

Subject: RFS small refinery hardship - draft briefing/recommendation for Janet McCabe

Attached is a draft briefing document. If I can get your comments and suggested changes by about 11am tomorrow, I can update the briefing and submit it in time Friday for a pre-brief with Chris Grundler Monday.

Message

From: Bunker, Byron [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=DDF7BCF023D241A9A477A2DC75D5901C-BUNKER, BYRON]
Sent: 2/13/2014 10:56:45 PM
To: Manners, Mary [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=ebdb1392504a4b71894970b1a7bb186c-Manners, Mary]; Cohen, Janet [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d94b854e69cd4f9e80db946bf9d1c1b2-Cohen, Janet]
Subject: FW: RFS hardship processing timeline
Attachments: list of 2013 RFS hardship petitions.xls

One of a couple of notes to forward for background.

From: McKenna, Chris
Sent: Monday, February 10, 2014 1:44 PM
To: Bunker, Byron
Cc: Weihrauch, John
Subject: RFS hardship processing timeline

Byron,

Deliberative Process / Ex. 5

Hope this is helpful,
Chris

Message

From: Bunker, Byron [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=DDF7BCF023D241A9A477A2DC75D5901C-BUNKER, BYRON]
Sent: 8/26/2014 8:26:01 PM
To: Hengst, Benjamin [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c414e2bf04a246bb987d88498eefff06-Hengst, Benjamin]; Cohen, Janet [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d94b854e69cd4f9e80db946bf9d1c1b2-Cohen, Janet]
Subject: RE: RFS Small Refinery Hardship Decisions

Yes. Let's move as soon as we can. I don't think it makes sense to hold any of them unnecessarily.

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From: Hengst, Benjamin
Sent: Tuesday, August 26, 2014 4:21 PM
To: Cohen, Janet; Bunker, Byron
Subject: RE: RFS Small Refinery Hardship Decisions

Deliberative Process / Ex. 5

From: Cohen, Janet
Sent: Tuesday, August 26, 2014 4:10 PM
To: Hengst, Benjamin; Bunker, Byron
Subject: RE: RFS Small Refinery Hardship Decisions

Ok, thanks Ben. – j. -

From: Hengst, Benjamin
Sent: Tuesday, August 26, 2014 4:09 PM
To: Bunker, Byron; Cohen, Janet
Subject: FW: RFS Small Refinery Hardship Decisions

FYI. I'm still running traps with folks but this is good news.

From: Knapp, Kristien
Sent: Tuesday, August 26, 2014 4:07 PM
To: Hengst, Benjamin

Cc: Stewart, Lori; Birgfeld, Erin; Millett, John
Subject: RE: RFS Small Refinery Hardship Decisions

Deliberative Process / Ex. 5

From: Hengst, Benjamin
Sent: Tuesday, August 26, 2014 4:04 PM
To: Knapp, Kristien
Cc: Stewart, Lori; Birgfeld, Erin; Millett, John
Subject: FW: RFS Small Refinery Hardship Decisions

Deliberative Process / Ex. 5

We'd like to move it out this week. Thanks. Ben

From: Bunker, Byron
Sent: Friday, August 22, 2014 3:48 PM
To: Hengst, Benjamin; Birgfeld, Erin; Cook, Leila
Cc: Manners, Mary; Cohen, Janet
Subject: FW: RFS Small Refinery Hardship Decisions

Deliberative Process / Ex. 5

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Mobile: (734) 353-9623

From: McCabe, Janet
Sent: Tuesday, August 19, 2014 7:42 PM
To: Grundler, Christopher

Cc: Bunker, Byron; Stewart, Lori

Subject: RE: RFS Small Refinery Hardship Decisions

Thanks, Chris.

We should include a heads up on this in an upcoming OAR hot list, depending on when you plan to issue them.

From: Grundler, Christopher

Sent: Tuesday, August 19, 2014 7:10 PM

To: McCabe, Janet

Cc: Bunker, Byron

Subject: RFS Small Refinery Hardship Decisions

Janet,

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Please let me know if you have any further questions.

C-

Christopher Grundler, Director
Office of Transportation and Air Quality
U.S. Environmental Protection Agency
202.564.1682 (DC)
734.214.4207 (Ann Arbor)
www.epa.gov/otaq

Message

From: Bunker, Byron [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=DDF7BCF023D241A9A477A2DC75D5901C-BUNKER, BYRON]
Sent: 6/6/2013 8:04:43 PM
To: Stewart, Lori [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=8404f4ff6c924b2f8f3fb80c3a4467a7-lstewa04]
Subject: FW: Small Refinery Exemption

-----Original Message-----

From: Bunker, Byron
Sent: Thursday, June 06, 2013 3:55 PM
To: Beauvais, Joel
Cc: Simon, Karl
Subject: FW: Small Refinery Exemption

Hi Joel,

I think Karl knows this fairly well because he pays attention to most of the fuels activity, but if you have any specific questions this came through my team and I will have access to the details.

If you would like to talk about this, I can be available for a call almost anytime tomorrow. If you have a narrower legal question John Hannon and Roland Dubois were our counsel on this waiver decision.

Thanks,

Byron

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Phone: (734) 214-4155
Mobile: (734) 353-9623

-----Original Message-----

From: McCabe, Janet
Sent: Thursday, June 06, 2013 3:46 PM
To: Grundler, Christopher; Beauvais, Joel
Cc: McCarthy, Gina; Bunker, Byron
Subject: Re: Small Refinery Exemption

Thanks Chris for the heads up. It sounds like this makes sense. Joel and I discussed and since it sounds like we haven't done this before and Joel is talking to Karl tomorrow about other issues anyway, he'll followup with him a bit.

From: Grundler, Christopher
Sent: Wednesday, June 05, 2013 10:19:33 PM
To: McCabe, Janet; Beauvais, Joel
Cc: McCarthy, Gina; Bunker, Byron
Subject: Small Refinery Exemption

Janet/Joel:

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

We have coordinated this with DOE, and OGC. Let me know if you have any questions.

Chris

Appointment

From: Bunker, Byron [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=DDF7BCF023D241A9A477A2DC75D5901C-BUNKER, BYRON]
Sent: 5/15/2014 3:29:01 PM
To: Haman, Patricia [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=0ebb27cd881d41b19a30a491dc3f3f57-phaman]

Subject: Accepted: Confirmed: call with Personal Phone / Ex. 6 re: small refinery hardship waiver requests

Location: Personal Phone / Ex. 6

Start: 5/19/2014 8:30:00 PM
End: 5/19/2014 9:00:00 PM
Show Time As: Busy

Message

From: Bunker, Byron [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=DDF7BCF023D241A9A477A2DC75D5901C-BUNKER, BYRON]
Sent: 3/17/2017 2:17:56 PM
To: Hengst, Benjamin [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c414e2bf04a246bb987d88498eefff06-Hengst, Benjamin]
CC: Sutton, Tia [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=25e87403f63143acbb959446512a372c-Sutton, Tia]
Subject: RE: For today's 11 am
Attachments: 3_17_17 RFS Small Refinery Grants and Denials.docx; 3_7_17 DRAFT small refinery briefing for Administrator Pruitt.pptx
Importance: High

Hi Ben,

The powerpoint presentation and the league tables are both attached. The powerpoint is unchanged from the version I sent earlier today. The league tables include the two tables and summaries of all of the pending decisions. I don't think we go through those, but it is possible it will make sense to share those later with Byron.

I am assuming that you will be calling me at Personal Phone / Ex. 6 If we want to instead use a video conference line, please let me know.

Thanks,

Byron

Byron Bunker
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Ann Arbor, MI 48105
Bunker.Byron@epa.gov
Phone: (734) 214-4155
Mobile: (734) 353-9623

-----Original Message-----

From: Bunker, Byron
Sent: Friday, March 17, 2017 9:01 AM
To: Hengst, Benjamin <Hengst.Benjamin@epa.gov>
Subject: RE: For today's 11 am

Hi Ben,

Deliberative Process / Ex. 5

I am good with your idea of printing the appendices separately. I will get the update league tables to you as soon as I am done with my 9 AM staff meeting.

Thanks,

Byron

Byron Bunker
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2000 Traverwood Drive
Ann Arbor, MI 48105
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Phone: (734) 214-4155
Mobile: (734) 353-9623

-----Original Message-----

From: Hengst, Benjamin

Sent: Friday, March 17, 2017 6:29 AM

To: Bunker, Byron <bunker.byron@epa.gov>

Subject: For today's 11 am

Hi Byron,

I let Sarah know we'd be using slides. She wanted to make sure they were as simple as possible. I told her I thought they were about as simple as they could get but that we'd take another scrub.

Deliberative Process / Ex. 5

Sound good? I can print stuff here in DC if you send me the final versions.

Ben

Message

From: Bunker, Byron [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=DDF7BCF023D241A9A477A2DC75D5901C-BUNKER, BYRON]
Sent: 5/15/2014 11:58:01 AM
To: Grundler, Christopher [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d3be58c2cc8545d88cf74f3896d4460f-Grundler, Christopher]
Subject: RE: Questions on small refinery exemptions from HEC majority

I would be shocked if I am the only member of the SLT that wakes up some nights worrying about issues that need to be moved. I just assumed it went with the job.

Dispassionate and fact based it is. That works well for me.

Deliberative Process / Ex. 5

Thanks,

Byron

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Mobile: (734) 353-9623

-----Original Message-----

From: Grundler, Christopher
Sent: Thursday, May 15, 2014 7:44 AM
To: Bunker, Byron
Subject: Re: Questions on small refinery exemptions from HEC majority

I'm sorry you were awake....

Deliberative Process / Ex. 5

Christopher Grundler, Director
Office of Transportation and Air Quality U.S. Environmental Protection Agency
202.564.1682 (DC)
734.214.4207 (Ann Arbor)
www.epa.gov/otaq

Original Message

From: Bunker, Byron
Sent: Thursday, May 15, 2014 2:52 AM
To: Grundler, Christopher
Cc: Hengst, Benjamin
Subject: FW: Questions on small refinery exemptions from HEC majority

Hi Chris,

Speaking of what keeps me up at night.

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Any guidance that you would have on how we characterize these circumstances is more than welcome.

Thanks,

Byron

From: Ghanta, Venu
Sent: Wednesday, May 14, 2014 8:19 PM
To: Manners, Mary; Weihrauch, John; Bunker, Byron
Cc: Hengst, Benjamin; Argyropoulos, Paul
Subject: RE: Questions on small refinery exemptions from HEC majority

Okay, this now officially appears to be a "thing", as folks on the Senate side are asking as well. It sounds like we're going to need to do at least one phone call. Let me know who should be represented from our side, and I'll scout out times.

Thanks, Venu

Hope you are doing well. Quick question for you. I understand that there are a number (I believe 8?) applications for hardship waivers under RFS, which is for small business refineries where the impact of the ethanol mandate is a material cause of economic loss.

I have heard some concerns about the amount of time EPA is taking to provide a response to those applications. 40 CFR 80.1411(e)(2), the authority under which such applications are permitted, provides that the Administrator shall have 90 days after receipt of the petition to act.

If you have a chance, I would like to chat for a few minutes about this process – specifically, the cause of the delay beyond the 90 day period, the level of communication EPA has had with these applicants, and what the timeline is for a decision on the applications that are pending beyond the 90 day period (and for those within the 90 day period, if it is expected by EPA that a decision will not be made within the window).

I hope this makes sense! Perhaps we could chat sometime this week or next?

Thanks,

Benjamin L. Thomas
Senior Advisor and Counsel
Office of US Senator John Walsh
Senate Hart 511
202-224-2651

From: Ghanta, Venu
Sent: Wednesday, May 14, 2014 2:22 PM
To: Manners, Mary; Weihrauch, John; Bunker, Byron
Subject: Questions on small refinery exemptions from HEC majority

Ben Lieberman from the House Energy and Commerce committee left a voicemail with the following questions. I leave it to you as to whether to answer these questions in writing or via conference call.

- 1) What are the reasons for EPA's delays in acting on RFS small refiner hardship exemptions?
- 2) When do you anticipate issuing the decisions?

Message

From: Bunker, Byron [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=DDF7BCF023D241A9A477A2DC75D5901C-BUNKER, BYRON]
Sent: 6/6/2013 7:49:29 PM
To: Grundler, Christopher [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d3be58c2cc8545d88cf74f3896d4460f-Grundler, Christopher]; Stewart, Lori [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=8404f4ff6c924b2f8f3fb80c3a4467a7-Istewa04]
CC: Simon, Karl [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=4d781d1ad595415db3a4e768c2d2b3fc-Simon, Karl]
Subject: RE: Small Refinery Exemption

Will do.

Byron Bunker
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Phone: (734) 214-4155
Mobile: (734) 353-9623

-----Original Message-----

From: Grundler, Christopher
Sent: Thursday, June 06, 2013 3:49 PM
To: Stewart, Lori; Bunker, Byron
Cc: Simon, Karl
Subject: Fw: Small Refinery Exemption

Lori-dont mail letter yet
Byron-call Joel and walk him thru

From: McCabe, Janet
Sent: Thursday, June 06, 2013 3:46:27 PM
To: Grundler, Christopher; Beauvais, Joel
Cc: McCarthy, Gina; Bunker, Byron
Subject: Re: Small Refinery Exemption

Thanks Chris for the heads up. It sounds like this makes sense. Joel and I discussed and since it sounds like we haven't done this before and Joel is talking to Karl tomorrow about other issues anyway, he'll followup with him a bit.

From: Grundler, Christopher
Sent: Wednesday, June 05, 2013 10:19:33 PM
To: McCabe, Janet; Beauvais, Joel
Cc: McCarthy, Gina; Bunker, Byron
Subject: Small Refinery Exemption

Janet/Joel:

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

We have coordinated this with DOE, and OGC. Let me know if you have any questions.

Chris

Message

From: Bunker, Byron [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=DDF7BCF023D241A9A477A2DC75D5901C-BUNKER, BYRON]
Sent: 8/6/2013 10:44:21 PM
To: Hengst, Benjamin [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c414e2bf04a246bb987d88498eefff06-Hengst, Benjamin]
CC: Machiele, Paul [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b71a67c326714ebbaa72eda552e55282-Machiele, Paul]; Burkholder, Dallas [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=667ef175292d4784997e454a9985b3b3-Burkholder, Dallas]; Lie, Sharyn [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=02041179e5dd4b9e9c5ea63701032c04-slie]; Weihrauch, John [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=74d426b7439045d9a0a65b186ea68b21-Jweihrau]; Shelby, Michael [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=8e73da7dcf22494c88546c6ef3c6bc27-mshelby]; Argyropoulos, Paul [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=0149b93d2780437a9c2b6d8477df7991-pargyrop]
Subject: RE: Looking for the RIN in wholesale prices

Sorry if this has already been circulated - <http://www.ethanolrfa.org/exchange/entry/what-do-big-oils-quarterly-earnings-say-about-the-real-impact-of-rins-on-u/>

Deliberative Process / Ex. 5

From: Bunker, Byron
Sent: Tuesday, August 06, 2013 4:33 PM
To: Hengst, Benjamin
Cc: Machiele, Paul; Burkholder, Dallas; Lie, Sharyn; Weihrauch, John; Shelby, Michael
Subject: Looking for the RIN in wholesale prices

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Byron Bunker
Director Compliance Division
Office of Transportation and Air Quality
Environmental Protection Agency
2000 Traverwood Drive
Ann Arbor, MI 48105
Bunker.Byron@epa.gov
Phone: (734) 214-4155
Mobile: (734) 353-9623

From: Hengst, Benjamin
Sent: Friday, August 02, 2013 11:46 AM
To: Bunker, Byron
Cc: Machiele, Paul; Burkholder, Dallas; Lie, Sharyn
Subject: RE: Janet McCabe's call with Senator Roberts (KS) tomorrow

One question on this.

Deliberative Process / Ex. 5

I know this is an old issue, one we've discussed a few times before, but Sharyn and I were just re-hashing it.

From: Bunker, Byron
Sent: Friday, August 02, 2013 8:31 AM
To: Argyropoulos, Paul; Grundler, Christopher; Ghanta, Venu; Machiele, Paul; Hengst, Benjamin
Subject: RE: Janet McCabe's call with Senator Roberts (KS) tomorrow

I think Paul A is right as far as advice for the call, but I would like to take a minute to echo Paul M.'s main points.

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

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2000 Traverwood Drive
Ann Arbor, MI 48105
Bunker.Byron@epa.gov
Phone: (734) 214-4155
Mobile: (734) 353-9623

From: Argyropoulos, Paul
Sent: Friday, August 02, 2013 7:07 AM
To: Grundler, Christopher; Ghanta, Venu; Machiele, Paul; Hengst, Benjamin; Bunker, Byron
Subject: RE: Janet McCabe's call with Senator Roberts (KS) tomorrow

Deliberative Process / Ex. 5

Paul Argyropoulos
Senior Policy Advisor
US EPA
Office of Transportation and Air Quality
Phone: 202-564-1123
Mobile: 202-577-9354
Email: argyropoulos.paul@epa.gov
Web: www.epa.gov

From: Grundler, Christopher
Sent: Thursday, August 01, 2013 7:17 PM
To: Ghanta, Venu; Argyropoulos, Paul; Machiele, Paul; Hengst, Benjamin; Bunker, Byron
Subject: Re: Janet McCabe's call with Senator Roberts (KS) tomorrow

I am open to suggestions on how Janet should respond to merchant refiner situation:

Deliberative Process / Ex. 5

Others?

From: Ghanta, Venu

Sent: Thursday, August 01, 2013 6:49:54 PM

To: Grundler, Christopher; Argyropoulos, Paul; Machiele, Paul; Hengst, Benjamin; Bunker, Byron

Subject: Janet McCabe's call with Senator Roberts (KS) tomorrow

Intel from OCIR:

Darin said that while they grow corn and support ethanol production in the state, the Senator would like to express concern for their merchant refiners and ask for relief for them because the only way they can get RINs is to purchase them.

Chris-what do you need to prepare Janet for this call?

Message

From: Bunker, Byron [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=DDF7BCF023D241A9A477A2DC75D5901C-BUNKER, BYRON]
Sent: 5/14/2014 10:09:33 PM
To: Grundler, Christopher [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d3be58c2cc8545d88cf74f3896d4460f-Grundler, Christopher]
CC: Manners, Mary [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=ebdb1392504a4b71894970b1a7bb186c-Manners, Mary]; Cohen, Janet [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d94b854e69cd4f9e80db946bf9d1c1b2-Cohen, Janet]
Subject: RE: DOE - Carmine Difiglio FW: RFS small refinery hardship intermediate score background

Thanks and will do.

From: Grundler, Christopher
Sent: Wednesday, May 14, 2014 6:07 PM
To: Bunker, Byron
Subject: RE: DOE - Carmine Difiglio FW: RFS small refinery hardship intermediate score background

Done. Remind me to make the call

From: Bunker, Byron
Sent: Wednesday, May 14, 2014 5:48 PM
To: Grundler, Christopher
Subject: DOE - Carmine Difiglio FW: RFS small refinery hardship intermediate score background
Importance: High

Chris,

Thanks for helping us move this along. The "final" draft memo from the DOE staff is the second attachment on this e-

Deliberative Process / Ex. 5

Mary's note copied below has Carmine's contact information and a link to how he fits into the overall DOE structure.

Thanks,

Byron

Byron Bunker

Director Compliance Division
Office of Transportation and Air Quality
Environmental Protection Agency
2000 Traverwood Drive
Ann Arbor, MI 48105
Bunker.Byron@epa.gov
Phone: (734) 214-4155
Mobile: (734) 353-9623

From: Manners, Mary
Sent: Wednesday, May 14, 2014 5:05 PM
To: Bunker, Byron
Cc: Cohen, Janet
Subject: RFS small refinery hardship intermediate score background
Importance: High

Please see the attached 1-pager on the need for the intermediate scoring memo.

Deliberative Process / Ex. 5

Finally, here is Carmine's contact info:

Carmine Difiglio

DOE

Deputy Director for Energy Security, Office of Energy Policy and Systems Analysis (EPSA)

Personal Phone / Ex. 6

<http://energy.gov/epsa/leadership>

<http://energy.gov/downloads/doe-organization-chart-may-2-2014>

Appointment

From: Bunker, Byron [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=DDF7BCF023D241A9A477A2DC75D5901C-BUNKER, BYRON]
Sent: 2/16/2016 5:06:15 PM
To: Stewart, Gwen [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3f8c5838943241caadb6005ffaddd7db-gstewart]
Subject: FW: RFS Small Refinery Issues
Location: RM. 6520 DC/Rm. C-174 DOD AA
Start: 2/17/2016 3:00:00 PM
End: 2/17/2016 4:00:00 PM
Show Time As: Tentative

Hi Gwen,

We will not be ready to brief Chris on this topic until Monday (2/22) at the earliest. Can you reschedule this ideally to next week Tuesday or Wednesday? We can do Monday if necessary.

Thanks,

Byron

-----Original Appointment-----

From: Grundler, Christopher
Sent: Tuesday, February 16, 2016 11:32 AM
To: Grundler, Christopher; Bunker, Byron; Hantman, Irene; Machiele, Paul; Parsons, Nick; Piotrowski, Greg; Read, David; Reid, Lauren; Sutton, Tia; Le, Madison; Weihrauch, John; Cohen, Janet; Stahle, Susan; Orlin, David
Cc: Patterson, Susan; Jones, Jacqueline
Subject: RFS Small Refinery Issues
When: Wednesday, February 17, 2016 10:00 AM-11:00 AM (UTC-05:00) Eastern Time (US & Canada).
Where: RM. 6520 DC/Rm. C-174 DOD AA

MEETING REQUEST:

OTAQ MEETING REQUEST FORM

Requesting Meeting/Conference Call with: **Christopher Grundler**

Send form to: Gwen Stewart – 202 564-1682

Date of this Request: 2.10.2016

Point of Contact (Name/Number): Janet Cohen (through 2.11.16) 734-214-4511; David Read 734-214-4367; Byron Bunker 734-214-4155

Title of Meeting: RFS Small Refinery Issues

Purpose of Meeting: Brief Chris on program implications and OTAQ options in light of new Congressional direction to DOE that effectively lowers the bar for small refineries seeking RFS hardship exemptions

Priority Status: Critical or time sensitive X Less Immediate

Last possible date for meeting: 2/24/16

If the meeting is critical, please explain why: Policy decisions are needed (and may need to be briefed through Janet McCabe) before EPA can act on 2014 hardship petitions. We have pending petitions with near-term deadlines that are fixed under a court settlement agreement.

Location of Meeting: Teleconference AA/DC

Length of Meeting: standard (1 hr)

Key Participants: (List all who need to be notified of the meeting)

<u>Office/Organization</u>	<u>Email Address</u>	<u>Number</u>
<i>Example—</i>		
OTAQ	<u>bunker.byron@epa.gov</u>	(734) 214-4i55
OTAQ	<u>hantman.irene@epa.gov</u>	
OTAQ	<u>Machiele.paul@epa.gov</u>	
OTAQ	<u>parsons.nick@epa.gov</u>	
OTAQ	<u>Piotrowski.greg@epa.gov</u>	
OTAQ	<u>read.david@epa.gov</u>	
OTAQ	<u>reid.lauren@epa.gov</u>	
OTAQ	<u>Sutton.tia@epa.gov</u>	
OTAQ	<u>le.madison@epa.gov</u>	
OTAQ	<u>Weihrauch.john@epa.gov</u>	
OTAQ	<u>cohen.janet@epa.gov</u>	
OGC	<u>stahle.susan@epa.gov</u>	
OGC	<u>Orlin.david@epa.gov</u>	

NOTE: Janet is CD lead for this issue but is on leave during the time when the briefing needs to happen, so Byron and David Read are the points of contact if there are any questions. For scheduling purposes, please schedule around availability of green-highlighted names. Yellow highlighted names are required participants, others are optional.

NOTE: All briefing materials must be sent by 4:00 PM the day prior in whatever format you are most comfortable, PPT Slides are not required. If briefing materials are not submitted by 4 pm, the meeting will be rescheduled, unless approved by Chris. (Briefing Materials are to be sent to: OTAQMaterials@epa.gov).

Message

From: Bunker, Byron [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=DDF7BCF023D241A9A477A2DC75D5901C-BUNKER, BYRON]
Sent: 8/19/2014 10:36:54 PM
To: Cohen, Janet [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d94b854e69cd4f9e80db946bf9d1c1b2-Cohen, Janet]
Subject: FW: Draft RFS Hardship note for Janet

Janet -- your draft note was really well done. Thanks!!

From: Bunker, Byron
Sent: Tuesday, August 19, 2014 6:36 PM
To: Grundler, Christopher
Subject: Draft RFS Hardship note for Janet

Hi Chris,

Following is a draft note for Janet. We should probably also forward it to OCIR. Thanks to Janet Cohen for pulling this note together.

Thanks,

Byron

***** draft note *****

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

**** end of draft note ****

Byron Bunker
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Office of Transportation and Air Quality
Environmental Protection Agency
2000 Traverwood Drive
Ann Arbor, MI 48105
Bunker.Byron@epa.gov
Phone: (734) 214-4155
Mobile: (734) 353-9623

Message

From: Bunker, Byron [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=DDF7BCF023D241A9A477A2DC75D5901C-BUNKER, BYRON]
Sent: 7/10/2018 8:25:26 PM
To: Weihrauch, John [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=74d426b7439045d9a0a65b186ea68b21-Jweihrau]; Le, Madison [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=9297d8b52bcb41319ba40d11142ab307-Le, Madison]
CC: Manners, Mary [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=ebdb1392504a4b71894970b1a7bb186c-Manners, Mary]
Subject: FW: Here is the draft of the 2016 Remand Briefing that we put together

Hi John and Madison,

Deliberative Process / Ex. 5

I will forward the underlying briefing separately.

Thanks,

Byron

Byron Bunker
Director Compliance Division
Office of Transportation and Air Quality
Environmental Protection Agency
2000 Traverwood Drive
Ann Arbor, MI 48105
Bunker.Byron@epa.gov
Phone: (734) 214-4155
Mobile: (734) 353-9623

From: Michaels, Lauren
Sent: Tuesday, July 10, 2018 3:29 PM
To: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Korotney, David <korotney.david@epa.gov>; Machiele, Paul <machiele.paul@epa.gov>; Parsons, Nick <Parsons.Nick@epa.gov>; Burkholder, Dallas <burkholder.dallas@epa.gov>; Simon, Karl <Simon.Karl@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Bunker, Byron <bunker.byron@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Charmley, William <charmley.william@epa.gov>;

Sutton, Tia <sutton.tia@epa.gov>

Subject: RE: Here is the draft of the 2016 Remand Briefing that we put together

Some more thoughts for discussion.

From: Li, Ryland (Shengzhi)

Sent: Tuesday, July 10, 2018 2:27 PM

To: Korotney, David <korotney.david@epa.gov>; Michaels, Lauren <Michaels.Lauren@epa.gov>; Machiele, Paul <machiele.paul@epa.gov>; Parsons, Nick <Parsons.Nick@epa.gov>; Burkholder, Dallas <burkholder.dallas@epa.gov>; Simon, Karl <Simon.Karl@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Bunker, Byron <bunker.byron@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Charmley, William <charmley.william@epa.gov>; Sutton, Tia <sutton.tia@epa.gov>

Subject: RE: Here is the draft of the 2016 Remand Briefing that we put together

Thank you both for your thoughtful responses, Lauren and Dave. My concerns, though,

Deliberative Process / Ex. 5

From: Korotney, David

Sent: Tuesday, July 10, 2018 2:15 PM

To: Michaels, Lauren <Michaels.Lauren@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Machiele, Paul <machiele.paul@epa.gov>; Parsons, Nick <Parsons.Nick@epa.gov>; Burkholder, Dallas <burkholder.dallas@epa.gov>; Simon, Karl <Simon.Karl@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Bunker, Byron <bunker.byron@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Charmley, William <charmley.william@epa.gov>; Sutton, Tia <sutton.tia@epa.gov>

Subject: RE: Here is the draft of the 2016 Remand Briefing that we put together

Additional thoughts in green.

From: Michaels, Lauren

Sent: Tuesday, July 10, 2018 1:51 PM

To: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Machiele, Paul <machiele.paul@epa.gov>; Korotney, David <korotney.david@epa.gov>; Parsons, Nick <Parsons.Nick@epa.gov>; Burkholder, Dallas <burkholder.dallas@epa.gov>; Simon, Karl <Simon.Karl@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Bunker, Byron <bunker.byron@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Charmley, William <charmley.william@epa.gov>; Sutton, Tia <sutton.tia@epa.gov>

Subject: RE: Here is the draft of the 2016 Remand Briefing that we put together

A few response below in red.

From: Li, Ryland (Shengzhi)

Sent: Tuesday, July 10, 2018 1:19 PM

To: Machiele, Paul <machiele.paul@epa.gov>; Korotney, David <korotney.david@epa.gov>; Michaels, Lauren <Michaels.Lauren@epa.gov>; Parsons, Nick <Parsons.Nick@epa.gov>; Burkholder, Dallas <burkholder.dallas@epa.gov>; Simon, Karl <Simon.Karl@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Bunker, Byron <bunker.byron@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Charmley, William <charmley.william@epa.gov>; Sutton, Tia <sutton.tia@epa.gov>

Subject: RE: Here is the draft of the 2016 Remand Briefing that we put together

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Dave O may have further comments.

I also have a few nitpicks in the attached.

Regards,

Ryland

Ryland (Shengzhi) Li
Attorney-Adviser
U.S. Environmental Protection Agency
Office of General Counsel, Air and Radiation Law Office
tel: (202) 564-6787 | em: li.ryland@epa.gov | desk: WJC-N 7409G
mail: USEPA (2344A), 1200 Pennsylvania Ave. NW, Washington, DC 20460

From: Machiele, Paul

Sent: Tuesday, July 10, 2018 11:39 AM

To: Korotney, David <korotney.david@epa.gov>; Michaels, Lauren <Michaels.Lauren@epa.gov>; Parsons, Nick <Parsons.Nick@epa.gov>; Burkholder, Dallas <burkholder.dallas@epa.gov>; Simon, Karl <Simon.Karl@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Bunker, Byron <bunker.byron@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Charmley, William <charmley.william@epa.gov>; Sutton, Tia <sutton.tia@epa.gov>

Subject: Here is the draft of the 2016 Remand Briefing that we put together

We would prebrief Chris tomorrow (Need to send up tonight) and brief Wehrum on Thursday. Comments welcome this afternoon.

Paul

Appointment

From: Bunker, Byron [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=DDF7BCF023D241A9A477A2DC75D5901C-BUNKER, BYRON]
Sent: 10/23/2015 3:10:12 PM
To: Cohen, Janet [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d94b854e69cd4f9e80db946bf9d1c1b2-Cohen, Janet]

Subject: Accepted: small refinery hardship 2014 status update

Location: N-125 AA Call In Personal Phone / Ex. 6

Start: 11/5/2015 6:00:00 PM

End: 11/5/2015 7:00:00 PM

Show Time As: Busy

Message

From: Bunker, Byron [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=DDF7BCF023D241A9A477A2DC75D5901C-BUNKER, BYRON]
Sent: 7/12/2016 10:51:15 AM
To: Hengst, Benjamin [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c414e2bf04a246bb987d88498eefff06-Hengst, Benjamin]
Subject: Fwd: Small Refiner Coalition request for stay of 2014/15 ompliance demonstration deadlines

Ben,

Deliberative Process / Ex. 5

Thanks,

Byron

Sent from my iPhone

Begin forwarded message:

From: "Dubois, Roland" <Dubois.Roland@epa.gov>
Date: July 11, 2016 at 11:23:32 PM EDT
To: "Hengst, Benjamin" <Hengst.Benjamin@epa.gov>, "Machiele, Paul" <machiele.paul@epa.gov>, "Bunker, Byron" <bunker.byron@epa.gov>, "Argyropoulos, Paul" <Argyropoulos.Paul@epa.gov>, "Simon, Karl" <Simon.Karl@epa.gov>, "Charmley, William" <charmley.william@epa.gov>, "Korotney, David" <korotney.david@epa.gov>, "Burkholder, Dallas" <burkholder.dallas@epa.gov>, "Reid, Lauren" <Reid.Lauren@epa.gov>, "Weihrauch, John" <Weihrauch.John@epa.gov>, "Sutton, Tia" <sutton.tia@epa.gov>, "Cohen, Janet" <cohen.janet@epa.gov>
Cc: "Orlin, David" <Orlin.David@epa.gov>, "Stahle, Susan" <Stahle.Susan@epa.gov>
Subject: Small Refiner Coalition request for stay of 2014/15 ompliance demonstration deadlines

ATTORNEY WORK PRODUCT

Attorney Work Product / Ex. 5

Attorney Work Product / Ex. 5

Attorney Work Product / Ex. 5

Attorney Work Product / Ex. 5

From: Machiele, Paul

Sent: Monday, July 11, 2016 12:10 PM

To: Dubois, Roland

Cc: Argyropoulos, Paul; Orlin, David; Simon, Karl; Burkholder, Dallas; Charmley, William; Bunker, Byron; Korotney, David; Hengst, Benjamin; Weihrauch, John; Sutton, Tia; Reid, Lauren; Cohen, Janet

Subject: Re: Cal for Agenda Items for Tomorrows 11 am Weekly Fuels Team Meeting

Roland, I'm on the road today, at a conf tomorrow am and then back on the road. Sounds like we should discuss, but if it has to be soon it will likely be without me. See if you can organize a mtg to discuss it. Otherwise put it on the agenda for the 11:00 tomorrow

Sent from my iPhone

On Jul 11, 2016, at 12:04 PM, Dubois, Roland <Dubois.Roland@epa.gov> wrote:

Attorney Client / Ex. 5

From: Machiele, Paul

Sent: Monday, July 11, 2016 11:58 AM

To: Dubois, Roland

Cc: Argyropoulos, Paul; Orlin, David; Simon, Karl; Burkholder, Dallas; Charmley, William; Bunker, Byron; Korotney, David; Hengst, Benjamin; Weihrauch, John; Sutton, Tia; Reid,

Lauren; Cohen, Janet

Subject: Re: Cal for Agenda Items for Tomorrows 11 am Weekly Fuels Team Meeting

Attorney Client / Ex. 5

Sent from my iPhone

On Jul 11, 2016, at 10:37 AM, Dubois, Roland <Dubois.Roland@epa.gov> wrote:

Attorney Client / Ex. 5

From: Argyropoulos, Paul

Sent: Monday, July 11, 2016 9:53 AM

To: Burch, Julia; Orlin, David; Weihrauch, John; Dubois, Roland; Machiele, Paul; Le, Madison; Simon, Karl; Lie, Sharyn; Burkholder, Dallas; Camobreco, Vincent; Audette, Lucie; Charmley, William; Larson, Robert; Manners, Mary; Bunker, Byron; Korotney, David; Hengst, Benjamin

Cc: Sopata, Joe; Dupree, Sheena; Sutton, Tia; Parsons, Nick; Reid, Lauren; Sargeant, Kathryn; Anderson, Robert; Monger, Jon

Subject: Cal for Agenda Items for Tomorrows 11 am Weekly Fuels Team Meeting

Please forward any agenda item by COB today to add to our list for tomorrow's 11 am call.

Thanks, Paul

Paul Argyropoulos
Senior Policy Advisor
US EPA
Office of Transportation and Air Quality
Phone: 202-564-1123
Mobile: 202-577-9354
Email: argyropoulos.paul@epa.gov
Web: www.epa.gov

<Perkins Coie request for stay of deadlines.pdf>

Message

From: Bunker, Byron [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=DDF7BCF023D241A9A477A2DC75D5901C-BUNKER, BYRON]
Sent: 8/12/2014 6:05:07 PM
To: Cohen, Janet [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d94b854e69cd4f9e80db946bf9d1c1b2-Cohen, Janet]
Subject: FW: briefing on last 6 RFS hardship petitions
Attachments: Byron briefing on 6 remaining hardship petitions.doc

From: McKenna, Chris
Sent: Wednesday, April 09, 2014 9:03 AM
To: Bunker, Byron
Cc: Weihrauch, John
Subject: FW: briefing on last 6 RFS hardship petitions

Byron,

Wanted to check if you are you going to want fuller separate briefings on each of the 6 hardship petitions covered in the attachment, since it was basically a summary briefing. It will take time to pull together fuller briefings, so it would be helpful for me to know if I need to add this to my to-do list.

Thanks,
Chris

From: McKenna, Chris
Sent: Thursday, March 20, 2014 11:28 AM
To: Bunker, Byron
Cc: Weihrauch, John
Subject: briefing on last 6 RFS hardship petitions

Byron,

Deliberative Process / Ex. 5

Thanks
Chris

Appointment

From: Bunker, Byron [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=DDF7BCF023D241A9A477A2DC75D5901C-BUNKER, BYRON]
Sent: 5/30/2014 1:45:10 PM
To: Stahle, Susan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b25318c6014d4fb985288e15143c8596-SSTAHLE]; Dubois, Roland [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=835458b87b574ccbb1704415df8413d1-RDUBOIS]; Horowitz, Michael [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=ba8057c63e844b6a83b4ec40bbeb199d-MHOROWIT]; McKenna, Chris [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=4da2e1588a1e4971ab729f6d58631bdd-cmckenna]; Weihrauch, John [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=74d426b7439045d9a0a65b186ea68b21-Jweihrau]; Piotrowski, Greg [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=40bd03b05b8a409f91fbb8e3432d01ab-Piotrowski, Greg]; Read, David [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=dd15b97b60dd487bb865978544f1f6be-Read, David]; Cohen, Janet [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d94b854e69cd4f9e80db946bf9d1c1b2-Cohen, Janet]; Manners, Mary [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=ebdb1392504a4b71894970b1a7bb186c-Manners, Mary]

Subject: RFS Hardship - Continuation of Thursday's discussion

Location: Conf Call **Personal Phone / Ex. 6**

Start: 6/2/2014 3:00:00 PM

End: 6/2/2014 4:00:00 PM

Show Time As: Tentative

When: Monday, June 02, 2014 11:00 AM-12:00 PM (GMT-05:00) Eastern Time (US & Canada).

Where: Conf Call **Personal Phone / Ex. 6**

Note: The GMT offset above does not reflect daylight saving time adjustments.

~~*~*~*~*~*~*~*~*

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Message

From: Bunker, Byron [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=DDF7BCF023D241A9A477A2DC75D5901C-BUNKER, BYRON]
Sent: 5/30/2014 11:34:32 AM
To: McKenna, Chris [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=4da2e1588a1e4971ab729f6d58631bdd-cmckenna]
CC: Weihrauch, John [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=74d426b7439045d9a0a65b186ea68b21-Jweihrau]; Manners, Mary [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=ebdb1392504a4b71894970b1a7bb186c-Manners, Mary]; Sutton, Tia [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=25e87403f63143acbb959446512a372c-Sutton, Tia]; Korotney, David [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=7b00e16e09654b94bc6146550ca87936-Korotney, David]; Machiele, Paul [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b71a67c326714ebbaa72eda552e55282-Machiele, Paul]
Subject: RE: RFS Small Refiner extensions?

Thanks Chris and thanks for the great job with DOE yesterday.

Byron Bunker
Director Compliance Division
Office of Transportation and Air Quality
Environmental Protection Agency
2000 Traverwood Drive
Ann Arbor, MI 48105
Bunker.Byron@epa.gov
Phone: (734) 214-4155
Mobile: (734) 353-9623

From: McKenna, Chris
Sent: Thursday, May 29, 2014 10:19 PM
To: Bunker, Byron
Cc: Weihrauch, John; Manners, Mary; Sutton, Tia; Korotney, David; Machiele, Paul
Subject: RE: RFS Small Refiner extensions?

Deliberative Process / Ex. 5

From: Sutton, Tia
Sent: Thursday, May 29, 2014 11:31 AM
To: Korotney, David; Machiele, Paul; Bunker, Byron; McKenna, Chris
Cc: Weihrauch, John; Manners, Mary
Subject: RE: RFS Small Refiner extensions?

Deliberative Process / Ex. 5

From: Korotney, David
Sent: Thursday, May 29, 2014 11:22 AM
To: Machiele, Paul; Bunker, Byron; McKenna, Chris; Sutton, Tia
Cc: Weihrauch, John; Manners, Mary
Subject: RE: RFS Small Refiner extensions?

If Chris K doesn't know, Chris B should.

From: Machiele, Paul
Sent: Thursday, May 29, 2014 11:18 AM
To: Bunker, Byron; McKenna, Chris; Korotney, David; Sutton, Tia
Cc: Weihrauch, John; Manners, Mary
Subject: RE: RFS Small Refiner extensions?

My memory isn't helping me on this right now. Let me see if Tia can recall any of this.

Paul

From: Bunker, Byron
Sent: Thursday, May 29, 2014 8:20 AM
To: McKenna, Chris; Korotney, David
Cc: Machiele, Paul; Weihrauch, John; Manners, Mary
Subject: RFS Small Refiner extensions?

Deliberative Process / Ex. 5

Thanks,

Byron

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Environmental Protection Agency
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Ann Arbor, MI 48105
Bunker.Byron@epa.gov
Phone: (734) 214-4155
Mobile: (734) 353-9623

Message

From: Bunker, Byron [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=DDF7BCF023D241A9A477A2DC75D5901C-BUNKER, BYRON]
Sent: 5/29/2014 11:29:05 AM
To: Manners, Mary [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=ebdb1392504a4b71894970b1a7bb186c-Manners, Mary]
CC: Ghanta, Venu [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=7cf46c0305194992a35fd4fa7b1b78fc-vghanta]
Subject: RE: small refinery exemption summary

Thanks!

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Environmental Protection Agency
2000 Traverwood Drive
Ann Arbor, MI 48105
Bunker.Byron@epa.gov
Phone: (734) 214-4155
Mobile: (734) 353-9623

From: Manners, Mary
Sent: Thursday, May 29, 2014 7:17 AM
To: Bunker, Byron; Grundler, Christopher; Haley, Mike
Subject: Fw: small refinery exemption summary

Explanation of 13 vs. 14...

From: Ghanta, Venu
Sent: Thursday, May 29, 2014 7:07:10 AM
To: Manners, Mary
Cc: McKenna, Chris
Subject: RE: small refinery exemption summary

Deliberative Process / Ex. 5

From: Manners, Mary
Sent: Thursday, May 29, 2014 6:45 AM
To: Ghanta, Venu
Cc: McKenna, Chris
Subject: Re: small refinery exemption summary

Deliberative Process / Ex. 5

From: Ghanta, Venu
Sent: Wednesday, May 28, 2014 8:28:03 PM
To: Manners, Mary
Subject: FW: small refinery exemption summary

Please see attached and I've pasted a smattering of the different blurbs that we have used on this topic below.

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Message

From: Bunker, Byron [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=DDF7BCF023D241A9A477A2DC75D5901C-BUNKER, BYRON]
Sent: 6/6/2013 9:10:57 PM
To: Stewart, Lori [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=8404f4ff6c924b2f8f3fb80c3a4467a7-Istewa04]; Grundler, Christopher [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d3be58c2cc8545d88cf74f3896d4460f-Grundler, Christopher]
Subject: FW: Small Refinery Exemption

Joel and I are going to talk tomorrow at 11:00.

-----Original Message-----

From: Beauvais, Joel
Sent: Thursday, June 06, 2013 4:20 PM
To: Bunker, Byron
Cc: Simon, Karl
Subject: RE: Small Refinery Exemption

Thanks, Byron. I'll put a call on with you for tomorrow and we can chat about this and maybe you can also give me a read-out on the CA waiver stuff on which you briefed Gina while I was away. Thx.

Joel

-----Original Message-----

From: Bunker, Byron
Sent: Thursday, June 06, 2013 3:55 PM
To: Beauvais, Joel
Cc: Simon, Karl
Subject: FW: Small Refinery Exemption

Hi Joel,

I think Karl knows this fairly well because he pays attention to most of the fuels activity, but if you have any specific questions this came through my team and I will have access to the details.

If you would like to talk about this, I can be available for a call almost anytime tomorrow. If you have a narrower legal question John Hannon and Roland Dubois were our counsel on this waiver decision.

Thanks,

Byron

Byron Bunker
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Ann Arbor, MI 48105
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Phone: (734) 214-4155
Mobile: (734) 353-9623

-----Original Message-----

From: McCabe, Janet
Sent: Thursday, June 06, 2013 3:46 PM
To: Grundler, Christopher; Beauvais, Joel
Cc: McCarthy, Gina; Bunker, Byron
Subject: Re: Small Refinery Exemption

Thanks Chris for the heads up. It sounds like this makes sense. Joel and I discussed and since it sounds like we haven't done this before and Joel is talking to Karl tomorrow about other issues anyway, he'll followup with him a bit.

From: Grundler, Christopher
Sent: Wednesday, June 05, 2013 10:19:33 PM
To: McCabe, Janet; Beauvais, Joel
Cc: McCarthy, Gina; Bunker, Byron

Subject: Small Refinery Exemption

Janet/Joel:

Deliberative Process / Ex. 5

We have coordinated this with DOE, and OGC. Let me know if you have any questions.

Chris

Message

From: Bunker, Byron [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=DDF7BCF023D241A9A477A2DC75D5901C-BUNKER, BYRON]
Sent: 6/6/2013 9:10:29 PM
To: Beauvais, Joel [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=088a99c4b0f04e2aa5784349bccf7b95-Beauvais, Joel]
CC: Simon, Karl [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=4d781d1ad595415db3a4e768c2d2b3fc-Simon, Karl]
Subject: RE: Small Refinery Exemption

Sounds good.

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Ann Arbor, MI 48105
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Phone: (734) 214-4155
Mobile: (734) 353-9623

-----Original Message-----

From: Beauvais, Joel
Sent: Thursday, June 06, 2013 4:20 PM
To: Bunker, Byron
Cc: Simon, Karl
Subject: RE: Small Refinery Exemption

Thanks, Byron. I'll put a call on with you for tomorrow and we can chat about this and maybe you can also give me a read-out on the CA waiver stuff on which you briefed Gina while I was away. Thx.

Joel

-----Original Message-----

From: Bunker, Byron
Sent: Thursday, June 06, 2013 3:55 PM
To: Beauvais, Joel
Cc: Simon, Karl
Subject: FW: Small Refinery Exemption

Hi Joel,

I think Karl knows this fairly well because he pays attention to most of the fuels activity, but if you have any specific questions this came through my team and I will have access to the details.

If you would like to talk about this, I can be available for a call almost anytime tomorrow. If you have a narrower legal question John Hannon and Roland Dubois were our counsel on this waiver decision.

Thanks,

Byron

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Office of Transportation and Air Quality Environmental Protection Agency
2000 Traverwood Drive
Ann Arbor, MI 48105
Bunker.Byron@epa.gov
Phone: (734) 214-4155
Mobile: (734) 353-9623

-----Original Message-----

From: McCabe, Janet

Sent: Thursday, June 06, 2013 3:46 PM
To: Grundler, Christopher; Beauvais, Joel
Cc: McCarthy, Gina; Bunker, Byron
Subject: Re: Small Refinery Exemption

Thanks Chris for the heads up. It sounds like this makes sense. Joel and I discussed and since it sounds like we haven't done this before and Joel is talking to Karl tomorrow about other issues anyway, he'll followup with him a bit.

From: Grundler, Christopher
Sent: Wednesday, June 05, 2013 10:19:33 PM
To: McCabe, Janet; Beauvais, Joel
Cc: McCarthy, Gina; Bunker, Byron
Subject: Small Refinery Exemption

Janet/Joel:

Deliberative Process / Ex. 5

We have coordinated this with DOE, and OGC. Let me know if you have any questions.

Chris

Appointment

From: Bunker, Byron [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=DDF7BCF023D241A9A477A2DC75D5901C-BUNKER, BYRON]
Sent: 12/17/2014 8:58:24 PM
To: Stahle, Susan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b25318c6014d4fb985288e15143c8596-SSTAHLE]
Subject: Accepted: 2013 RFS Small Refinery Petitions - Questions Regarding DOE Scoring Sheets - Call with DOJ, DOE and EPA
Location: **Personal Phone / Ex. 6**
Start: 12/18/2014 7:00:00 PM
End: 12/18/2014 8:00:00 PM
Show Time As: Busy

Message

From: Bunker, Byron [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=DDF7BCF023D241A9A477A2DC75D5901C-BUNKER, BYRON]
Sent: 5/10/2018 9:00:36 PM
To: Hengst, Benjamin [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c414e2bf04a246bb987d88498eefff06-Hengst, Benjamin]
CC: Cohen, Janet [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d94b854e69cd4f9e80db946bf9d1c1b2-Cohen, Janet]; Cook, Leila [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d4536ad140a1461781d78ca67921b02f-Cook, Leila]
Subject: RE: Note to Bill following up on small refinery direction

Correct.

Byron Bunker
Director Compliance Division
Office of Transportation and Air Quality
Environmental Protection Agency
2000 Traverwood Drive
Ann Arbor, MI 48105
Bunker.Byron@epa.gov
Phone: (734) 214-4155
Mobile: (734) 353-9623

From: Hengst, Benjamin
Sent: Thursday, May 10, 2018 4:59 PM
To: Bunker, Byron <bunker.byron@epa.gov>
Cc: Cohen, Janet <cohen.janet@epa.gov>; Cook, Leila <cook.leila@epa.gov>
Subject: Re: Note to Bill following up on small refinery direction

Ok. Just so I'm clear: **Deliberative Process / Ex. 5** Correct?

I can send this to Chris with Janet's edit.

On May 10, 2018, at 4:42 PM, Bunker, Byron <bunker.byron@epa.gov> wrote:

Deliberative Process / Ex. 5

Byron Bunker
Director Compliance Division
Office of Transportation and Air Quality
Environmental Protection Agency

2000 Traverwood Drive
Ann Arbor, MI 48105
Bunker.Byron@epa.gov
Phone: (734) 214-4155
Mobile: (734) 353-9623

From: Hengst, Benjamin
Sent: Thursday, May 10, 2018 4:38 PM
To: Bunker, Byron <bunker.byron@epa.gov>
Cc: Cohen, Janet <cohen.janet@epa.gov>; Cook, Leila <cook.leila@epa.gov>
Subject: Re: Note to Bill following up on small refinery direction

Do we want to also tee up idea that signature now is for Wehrum?

On May 10, 2018, at 4:29 PM, Bunker, Byron <bunker.byron@epa.gov> wrote:

Hi Ben,

Deliberative Process / Ex. 5

Janet – please triple check the list of pending decisions.

Thanks,

Byron

**** draft note ***

Bill,

Deliberative Process / Ex. 5

Thanks – Chris

Byron Bunker
Director Compliance Division
Office of Transportation and Air Quality

Environmental Protection Agency
2000 Traverwood Drive
Ann Arbor, MI 48105
Bunker.Byron@epa.gov
Phone: (734) 214-4155
Mobile: (734) 353-9623

Message

From: Bunker, Byron [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=DDF7BCF023D241A9A477A2DC75D5901C-BUNKER, BYRON]
Sent: 7/17/2017 4:29:38 PM
To: Grundler, Christopher [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d3be58c2cc8545d88cf74f3896d4460f-Grundler, Christopher]
CC: Cohen, Janet [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d94b854e69cd4f9e80db946bf9d1c1b2-Cohen, Janet]
Subject: RFS Small Refinery Materials
Attachments: 6_28_17 draft past deadline briefing.pptx

From: Bunker, Byron
Sent: Wednesday, June 28, 2017 5:12 PM
To: Cohen, Janet <cohen.janet@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Machiele, Paul <machiele.paul@epa.gov>; Master, Barbora <Master.Barbora@epa.gov>; McKenna, Chris <mckenna.chris@epa.gov>; Michaels, Lauren <Michaels.Lauren@epa.gov>; Nelson, Karen <nelson.karen@epa.gov>; Parsons, Nick <Parsons.Nick@epa.gov>; Piotrowski, Greg <piotrowski.greg@epa.gov>; Stahle, Susan <Stahle.Susan@epa.gov>; Sutton, Tia <sutton.tia@epa.gov>; Weihrauch, John <Weihrauch.John@epa.gov>; OTAQ Materials <OTAQMaterials@epa.gov>; Grundler, Christopher <grundler.christopher@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Argyropoulos, Paul <Argyropoulos.Paul@epa.gov>
Subject: Materials for Tomorrow's Weekly Fuels Issue Meeting

Chris,

Absent late breaking RVO issues and the need to use the time accordingly, we are expecting to use tomorrow's Weekly Fuels Issues Meeting to discuss the issue of Small Refinery Hardship petitions submitted after the 2016 compliance deadline. Attached are the materials we plan to use for that discussion.

Thanks,

Byron

Byron Bunker
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Environmental Protection Agency
2000 Traverwood Drive
Ann Arbor, MI 48105
Bunker.Byron@epa.gov
Phone: (734) 214-4155
Mobile: (734) 353-9623

Message

From: Grundler, Christopher [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D3BE58C2CC8545D88CF74F3896D4460F-GRUNDLER, CHRISTOPHER]
Sent: 2/18/2017 10:43:20 PM
To: Hengst, Benjamin [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c414e2bf04a246bb987d88498eefff06-Hengst, Benjamin]
CC: Bunker, Byron [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=ddf7bcf023d241a9a477a2dc75d5901c-Bunker, Byron]; Orlin, David [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=aa64dad518d64c5f9801eb9bb15b7ec3-DORLIN]
Subject: Re: backgrounder on RFS hardship petitions

Thanks. This looks good, and I sent it on to Sarah and Josh.

66 degrees here

C

Christopher Grundler, Director
Office of Transportation and Air Quality
U.S. Environmental Protection Agency
202/564-1682 (Washington DC)
734/214-4207 (Ann Arbor MI)

On Feb 18, 2017, at 5:21 PM, Hengst, Benjamin <Hengst.Benjamin@epa.gov> wrote:

Hi Chris--

Hope your weekend is going well. It's 72 and like spring here in DC--beautiful, if a bit early in the year.

Attached is a revised backgrounder on the RFS hardship topic. It's down to 3 pages. Byron, OGC, and I have all worked on this and it should be ready to move forward at this point. You'll note that we've hedged a little on the numbers of remaining petitions that could be granted or denied -- there's still a question on at least one of them, so we adjusted the backgrounder as needed.

thanks

Ben

<Small refinerybackgrounder for 2016 v4.docx>

Message

From: Hengst, Benjamin [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=C414E2BF04A246BB987D88498EEFF06-HENGST, BENJAMIN]
Sent: 2/17/2017 9:33:55 PM
To: Li, Ryland (Shengzhi) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=7cf0eac9d34b446f88e03f8ec48274f1-Li, Shengzh]; Bunker, Byron [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=ddf7bcf023d241a9a477a2dc75d5901c-Bunker, Byron]; Orlin, David [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=aa64dad518d64c5f9801eb9bb15b7ec3-DORLIN]
CC: Parsons, Nick [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=7ba9a64331b0449a93ccc46f74d5d1f0-Parsons, Nick]
Subject: current version of backgrounder on hardships
Attachments: Revised small refinery 1-pager for 2016 v3 BH clean.docx; Revised small refinery 1-pager for 2016 v3 BH rlso.docx

I've attached a markup (RLSO and clean) of a version that incorporates OGC's and others' edits, along with my own. I took most edits, but not everything.

At this point, the main outstanding item is a numbers check by OTAQ (per Ryland's request—see comments). If you see any other major issues, please let me know. I'll try to turn this around as soon as I can to Chris, but I just spoke with him and let him know it may not be until tomorrow.

Thanks
Ben



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

July 12, 2018

OFFICE OF
AIR AND RADIATION

The Honorable Charles E. Grassley
United States Senate
Washington, D.C. 20510

Dear Senator Grassley:

Thank you for your letter of April 12, 2018, to the U.S. Environmental Protection Agency, regarding small refinery exemptions (SREs) granted to certain obligated parties under the Renewable Fuel Standard (RFS) program.

Congress established the small refinery exemption program recognizing that small refineries may, in some cases, require hardship exemptions under the RFS program. Section 211(o)(9) of the Clean Air Act (CAA) authorizes the Administrator to temporarily exempt small refineries from their renewable fuel volume obligations under the RFS program on the basis of a finding of "disproportionate economic hardship" (DEH). The statute directs EPA, in consultation with the Department of Energy (DOE), to consider the DOE Small Refinery Study and "other economic factors" in evaluating small refinery exemption petitions. Over the past several years, working in close consultation with DOE, EPA has implemented the SRE provisions of the CAA. We appreciate that the SREs granted over the past several months have been the focus of many stakeholders' attention, but we are required by statute to implement these provisions and we will continue to manage the program consistent with the law.

Your letter requests information related to those small refineries granted exemptions in 2016, 2017, and 2018. EPA is unable to provide information that is fully responsive to your request, as we treat both the names of individual petitioners and EPA's decision on those petitions as Confidential Business Information (CBI), pending a final CBI determination by EPA's Office of General Counsel. However, we can share the following aggregated information regarding SREs granted in recent years:

- For the 2016 compliance year, we received 20 petitions from small refineries. We granted exemptions for 19 of those, with a total exempted renewable fuel volume obligation of 790 million RINs. We denied 1 petition.
- For the 2017 compliance year, we have received 33 petitions from small refineries. To date, we have granted exemptions for 29 of those, with a total exempted renewable fuel volume obligation of 1.46 billion RINs. We are still processing the remaining 4 petitions for hardship exemptions for the 2017 compliance year.
- We have not yet received any petitions for the 2018 compliance year.

EPA appreciates the importance of the RFS program to stakeholders across the country, including farmers, producers, and obligated parties like refiners and importers. As such, we are interested in ensuring the program is implemented in a fair and effective manner. EPA also appreciates the important role Congress has and will continue to play in the success of the program. As such, we look forward to working with you and your colleagues as we continue to look for opportunities to improve the operation of the program.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Karen Thundiyil in the EPA's Office of Congressional and Intergovernmental Relations at thundiyil.karen@epa.gov or 202-564-1142.

Sincerely,

A handwritten signature in black ink, appearing to read 'W L Wehrum', with a long, sweeping horizontal stroke at the end.

William L. Wehrum
Assistant Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

July 12, 2018

OFFICE OF
AIR AND RADIATION

The Honorable Roy Blunt
United States Senate
Washington, D.C. 20510

Dear Senator Blunt:

Thank you for your letter of April 12, 2018, to the U.S. Environmental Protection Agency, regarding small refinery exemptions (SREs) granted to certain obligated parties under the Renewable Fuel Standard (RFS) program.

Congress established the small refinery exemption program recognizing that small refineries may, in some cases, require hardship exemptions under the RFS program. Section 211(o)(9) of the Clean Air Act (CAA) authorizes the Administrator to temporarily exempt small refineries from their renewable fuel volume obligations under the RFS program on the basis of a finding of "disproportionate economic hardship" (DEH). The statute directs EPA, in consultation with the Department of Energy (DOE), to consider the DOE Small Refinery Study and "other economic factors" in evaluating small refinery exemption petitions. Over the past several years, working in close consultation with DOE, EPA has implemented the SRE provisions of the CAA. We appreciate that the SREs granted over the past several months have been the focus of many stakeholders' attention, but we are required by statute to implement these provisions and we will continue to manage the program consistent with the law.

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EPA appreciates the importance of the RFS program to stakeholders across the country, including farmers, producers, and obligated parties like refiners and importers. As such, we are interested in ensuring the program is implemented in a fair and effective manner. EPA also appreciates the important role Congress has and will continue to play in the success of the program. As such, we look forward to working with you and your colleagues as we continue to look for opportunities to improve the operation of the program.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Karen Thundiyil in the EPA's Office of Congressional and Intergovernmental Relations at thundiyil.karen@epa.gov or 202-564-1142.

Sincerely,

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William L. Wehrum
Assistant Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

July 12, 2018

OFFICE OF
AIR AND RADIATION

The Honorable Joe Donnelly
United States Senate
Washington, D.C. 20510

Dear Senator Donnelly:

Thank you for your letter of April 12, 2018, to the U.S. Environmental Protection Agency, regarding small refinery exemptions (SREs) granted to certain obligated parties under the Renewable Fuel Standard (RFS) program.

Congress established the small refinery exemption program recognizing that small refineries may, in some cases, require hardship exemptions under the RFS program. Section 211(o)(9) of the Clean Air Act (CAA) authorizes the Administrator to temporarily exempt small refineries from their renewable fuel volume obligations under the RFS program on the basis of a finding of "disproportionate economic hardship" (DEH). The statute directs EPA, in consultation with the Department of Energy (DOE), to consider the DOE Small Refinery Study and "other economic factors" in evaluating small refinery exemption petitions. Over the past several years, working in close consultation with DOE, EPA has implemented the SRE provisions of the CAA. We appreciate that the SREs granted over the past several months have been the focus of many stakeholders' attention, but we are required by statute to implement these provisions and we will continue to manage the program consistent with the law.

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

July 12, 2018

OFFICE OF
AIR AND RADIATION

The Honorable Tammy Duckworth
United States Senate
Washington, D.C. 20510

Dear Senator Duckworth:

Thank you for your letter of April 12, 2018, to the U.S. Environmental Protection Agency, regarding small refinery exemptions (SREs) granted to certain obligated parties under the Renewable Fuel Standard (RFS) program.

Congress established the small refinery exemption program recognizing that small refineries may, in some cases, require hardship exemptions under the RFS program. Section 211(o)(9) of the Clean Air Act (CAA) authorizes the Administrator to temporarily exempt small refineries from their renewable fuel volume obligations under the RFS program on the basis of a finding of "disproportionate economic hardship" (DEH). The statute directs EPA, in consultation with the Department of Energy (DOE), to consider the DOE Small Refinery Study and "other economic factors" in evaluating small refinery exemption petitions. Over the past several years, working in close consultation with DOE, EPA has implemented the SRE provisions of the CAA. We appreciate that the SREs granted over the past several months have been the focus of many stakeholders' attention, but we are required by statute to implement these provisions and we will continue to manage the program consistent with the law.

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William L. Wehrum
Assistant Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

July 12, 2018

OFFICE OF
AIR AND RADIATION

The Honorable Richard J. Durbin
United States Senate
Washington, D.C. 20510

Dear Senator Durbin:

Thank you for your letter of April 12, 2018, to the U.S. Environmental Protection Agency, regarding small refinery exemptions (SREs) granted to certain obligated parties under the Renewable Fuel Standard (RFS) program.

Congress established the small refinery exemption program recognizing that small refineries may, in some cases, require hardship exemptions under the RFS program. Section 211(o)(9) of the Clean Air Act (CAA) authorizes the Administrator to temporarily exempt small refineries from their renewable fuel volume obligations under the RFS program on the basis of a finding of "disproportionate economic hardship" (DEH). The statute directs EPA, in consultation with the Department of Energy (DOE), to consider the DOE Small Refinery Study and "other economic factors" in evaluating small refinery exemption petitions. Over the past several years, working in close consultation with DOE, EPA has implemented the SRE provisions of the CAA. We appreciate that the SREs granted over the past several months have been the focus of many stakeholders' attention, but we are required by statute to implement these provisions and we will continue to manage the program consistent with the law.

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

July 12, 2018

OFFICE OF
AIR AND RADIATION

The Honorable Joni K. Ernst
United States Senate
Washington, D.C. 20510

Dear Senator Ernst:

Thank you for your letter of April 12, 2018, to the U.S. Environmental Protection Agency, regarding small refinery exemptions (SREs) granted to certain obligated parties under the Renewable Fuel Standard (RFS) program.

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William L. Wehrum
Assistant Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

July 12, 2018

OFFICE OF
AIR AND RADIATION

The Honorable Deb Fischer
United States Senate
Washington, D.C. 20510

Dear Senator Fischer:

Thank you for your letter of April 12, 2018, to the U.S. Environmental Protection Agency, regarding small refinery exemptions (SREs) granted to certain obligated parties under the Renewable Fuel Standard (RFS) program.

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

July 12, 2018

OFFICE OF
AIR AND RADIATION

The Honorable Heidi Heitkamp
United States Senate
Washington, D.C. 20510

Dear Senator Heitkamp:

Thank you for your letter of April 12, 2018, to the U.S. Environmental Protection Agency, regarding small refinery exemptions (SREs) granted to certain obligated parties under the Renewable Fuel Standard (RFS) program.

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

July 12, 2018

OFFICE OF
AIR AND RADIATION

The Honorable Amy Klobuchar
United States Senate
Washington, D.C. 20510

Dear Senator Klobuchar:

Thank you for your letter of April 12, 2018, to the U.S. Environmental Protection Agency, regarding small refinery exemptions (SREs) granted to certain obligated parties under the Renewable Fuel Standard (RFS) program.

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

July 12, 2018

OFFICE OF
AIR AND RADIATION

The Honorable Claire McCaskill
United States Senate
Washington, D.C. 20510

Dear Senator McCaskill:

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

July 12, 2018

OFFICE OF
AIR AND RADIATION

The Honorable Tina Smith
United States Senate
Washington, D.C. 20510

Dear Senator Smith:

Thank you for your letter of April 12, 2018, to the U.S. Environmental Protection Agency, regarding small refinery exemptions (SREs) granted to certain obligated parties under the Renewable Fuel Standard (RFS) program.

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

July 12, 2018

OFFICE OF
AIR AND RADIATION

The Honorable Debbie Stabenow
United States Senate
Washington, D.C. 20510

Dear Senator Stabenow:

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- We have not yet received any petitions for the 2018 compliance year.

EPA appreciates the importance of the RFS program to stakeholders across the country, including farmers, producers, and obligated parties like refiners and importers. As such, we are interested in ensuring the program is implemented in a fair and effective manner. EPA also appreciates the important role Congress has and will continue to play in the success of the program. As such, we look forward to working with you and your colleagues as we continue to look for opportunities to improve the operation of the program.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Karen Thundiyil in the EPA's Office of Congressional and Intergovernmental Relations at thundiyil.karen@epa.gov or 202-564-1142.

Sincerely,

A handwritten signature in black ink, appearing to read 'W L Wehrum', with a long, sweeping horizontal stroke at the end.

William L. Wehrum
Assistant Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

July 12, 2018

OFFICE OF
AIR AND RADIATION

The Honorable John Thune
United States Senate
Washington, D.C. 20510

Dear Senator Thune:

Thank you for your letter of April 12, 2018, to the U.S. Environmental Protection Agency, regarding small refinery exemptions (SREs) granted to certain obligated parties under the Renewable Fuel Standard (RFS) program.

Congress established the small refinery exemption program recognizing that small refineries may, in some cases, require hardship exemptions under the RFS program. Section 211(o)(9) of the Clean Air Act (CAA) authorizes the Administrator to temporarily exempt small refineries from their renewable fuel volume obligations under the RFS program on the basis of a finding of "disproportionate economic hardship" (DEH). The statute directs EPA, in consultation with the Department of Energy (DOE), to consider the DOE Small Refinery Study and "other economic factors" in evaluating small refinery exemption petitions. Over the past several years, working in close consultation with DOE, EPA has implemented the SRE provisions of the CAA. We appreciate that the SREs granted over the past several months have been the focus of many stakeholders' attention, but we are required by statute to implement these provisions and we will continue to manage the program consistent with the law.

Your letter requests information related to those small refineries granted exemptions in 2016, 2017, and 2018. EPA is unable to provide information that is fully responsive to your request, as we treat both the names of individual petitioners and EPA's decision on those petitions as Confidential Business Information (CBI), pending a final CBI determination by EPA's Office of General Counsel. However, we can share the following aggregated information regarding SREs granted in recent years:

- For the 2016 compliance year, we received 20 petitions from small refineries. We granted exemptions for 19 of those, with a total exempted renewable fuel volume obligation of 790 million RINs. We denied 1 petition.
- For the 2017 compliance year, we have received 33 petitions from small refineries. To date, we have granted exemptions for 29 of those, with a total exempted renewable fuel volume obligation of 1.46 billion RINs. We are still processing the remaining 4 petitions for hardship exemptions for the 2017 compliance year.
- We have not yet received any petitions for the 2018 compliance year.

EPA appreciates the importance of the RFS program to stakeholders across the country, including farmers, producers, and obligated parties like refiners and importers. As such, we are interested in ensuring the program is implemented in a fair and effective manner. EPA also appreciates the important role Congress has and will continue to play in the success of the program. As such, we look forward to working with you and your colleagues as we continue to look for opportunities to improve the operation of the program.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Karen Thundiyil in the EPA's Office of Congressional and Intergovernmental Relations at thundiyil.karen@epa.gov or 202-564-1142.

Sincerely,

A handwritten signature in black ink, appearing to read 'W L Wehrum', with a long, sweeping horizontal stroke at the end.

William L. Wehrum
Assistant Administrator

Request Details
Request Type : FOIA

Status : Assignment Determination **Due Date : 02/13/2018**

2



Request Details

Tracking Number : EPA-HQ-2018-003310	Submitted Date : 01/11/2018
Requester : Bill Lapp	Perfected Date : 01/16/2018
Organization : Advanced Economic Solutions	Last Assigned Date : 01/17/2018
Requester Has Account : Yes	Fee Limit : \$200.00
Email Address : bill@aesresearch.com	Request Track : Simple
Phone Number : 402-496-6015	Due Date : 02/13/2018
Fax Number : N/A	Assigned To : Office of Transportation and Air Quality
Address : 839 N 133 Street	Last Assigned By : Sabrina Hamilton (Immediate Office)
City : Omaha	
State/Province : NE	
Zip Code/Postal Code : 68154	

Submission Details

Request Handling

Requester Info Available to the Public : Yes	Request Perfected : Yes
Request Track : Simple	Perfected Date : 01/16/2018
Fee Category : Other	Acknowledgement Sent Date: 01/16/2018
Fee Waiver Requested: No	Unusual Circumstances ? : No
Fee Waiver Status: N/A	5 Day Notifications: No
Expedited Processing Requested : No	Litigation : No
Expedited Processing Status : N/A	* Litigation Court Docket Number :

Request Description

Short Description : N/A

Advanced Economic Solutions has 3 specific FOIA requests: 1. Advanced Economic Solutions wishes to identify the "small refineries" that have been granted an annual exemption from its annual RVOs for calendar years 2016, 2017 and 2018. 2. Additionally, Advanced Economic Solutions would like to identify the small refineries that have petitioned for an exemption from its annual RVOs for calendar years 2017 and 2018. 3. In addition to identifying the small refineries that have been granted or petitioned for an annual exemption from their annual RVOs, Advanced Economic Solutions would like to identify their respective refining capacities (as estimated by EPA or EIA). Under EPA's Renewable Fuel Standard (RFS) program, a small refinery may be granted a temporary exemption from its annual Renewable Volume Obligations (RVOs) if it can demonstrate that compliance with the RVOs would cause the refinery to suffer disproportionate economic hardship. The RFS regulations define a small refinery as one with an average crude oil input no greater than 75,000 barrels per day (bpd) crude in 2006. Additionally, the small refinery may not have an average aggregate daily crude oil throughput greater than 75,000 bpd in the most recent full calendar year prior to submitting a petition, and cannot be projected to exceed the 75,000 bpd threshold in the year or years for which it is seeking an exemption. Advanced Economic Solutions is an independent consulting firm, based in Omaha, Nebraska, that specializes in assisting food companies with supply chain risk management and other economic and commodity issues. Thank you in advance for your attention to this request.

Description Available to the Yes
Public :

Has Description Been No
Modified?

Attached Supporting Files

Attachments Available to the Yes

January 11, 2018

Advanced Economic Solutions has 3 specific FOIA requests:

1. Advanced Economic Solutions wishes to identify the "small refineries" that have been granted an annual exemption from its annual RVOs for calendar years 2016, 2017 and 2018.
2. Additionally, Advanced Economic Solutions would like to identify the small refineries that have petitioned for an exemption from its annual RVOs for calendar years 2017 and 2018.
3. In addition to identifying the small refineries that have been granted or petitioned for an annual exemption from their annual RVOs, Advanced Economic Solutions would like to identify their respective refining capacities (as estimated by EPA or EIA).

Under EPA's Renewable Fuel Standard (RFS) program, a small refinery may be granted a temporary exemption from its annual Renewable Volume Obligations (RVOs) if it can demonstrate that compliance with the RVOs would cause the refinery to suffer disproportionate economic hardship.¹

The RFS regulations define a small refinery as one with an average crude oil input no greater than 75,000 barrels per day (bpd) crude in 2006. Additionally, the small refinery may not have an average aggregate daily crude oil throughput greater than 75,000 bpd in the most recent full calendar year prior to submitting a petition, and cannot be projected to exceed the 75,000 bpd threshold in the year or years for which it is seeking an exemption.²

Advanced Economic Solutions is an independent consulting firm, based in Omaha, Nebraska, that specializes in assisting food companies with supply chain risk management and other economic and commodity issues.³

Thank you in advance for your attention to this request.

Bill Lapp
President, Advanced Economic Solutions
Omaha, NE
402-496-6015

¹ https://19january2017snapshot.epa.gov/renewable-fuel-standard-program/renewable-fuel-standard-exemptions-small-refineries_.html

² https://19january2017snapshot.epa.gov/renewable-fuel-standard-program/renewable-fuel-standard-exemptions-small-refineries_.html

³ www.advancedeconomicsolutions.com

Message

From: Dubois, Roland [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=835458B87B574CCBB1704415DF8413D1-RDUBOIS]
Sent: 9/23/2016 4:21:01 PM
To: Bell, Lisa (ENRD) [Lisa.Bell@usdoj.gov]
CC: Orlin, David [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=aa64dad518d64c5f9801eb9bb15b7ec3-DORLIN]
Subject: Fw: EPA decision on 2013 RFS reconsideration request
Attachments: EPA_RFS Reconsideration_decision to API_AFPM_MONROE.pdf; RFS Reconsideration_AFPM.pdf

FYI

From: Hengst, Benjamin
Sent: Friday, September 23, 2016 11:49 AM
To: Rich Moskowitz (RMoskowitz@afpm.org); BWilliams@afpm.org
Cc: Dubois, Roland; Orlin, David; Argyropoulos, Paul
Subject: EPA decision on 2013 RFS reconsideration request

Dear Mr. Moskowitz:

I have attached a cover letter and decision document responding to outstanding matters on petitions for reconsideration of the 2013 RFS final rule (78 FR 49794, August 15, 2013).

Please feel free to give me a call if you have any questions.

With regards,
Ben Hengst
Associate Director
Office of Transportation and Air Quality
US EPA
202-564-1495

Message

From: Bennett, Tate [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FA92542F7CA4D01973B18B2F11B9141-BENNETT, EL]
Sent: 9/21/2018 12:19:54 PM
To: Jackson, Ryan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=38bc8e18791a47d88a279db2fec8bd60-Jackson, Ry]; Molina, Michael [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d19c1d68da1a4587866e1850f22a6ae5-Molina, Mic]
Subject: Fwd: EPA Updates RFS Website to Improve Transparency

FYI I sent this out to my ag distro list

EPA Updates RFS Website to Improve Transparency

WASHINGTON (September 20, 2018) — Today, the U.S. Environmental Protection Agency (EPA) updated the Renewable Fuel Standard (RFS) program website to increase transparency surrounding the program. The updated website includes new data and information for both stakeholders and the public.

“For the first time, EPA is providing new information to the public on small refinery exemptions and RIN trading,” said EPA Acting Administrator Andrew Wheeler.

“Increasing transparency will improve implementation of the RFS and provide stakeholders and the regulated community the certainty and clarity they need to make important business and compliance decisions.”

“In our corn-growing community, the RFS program is one of the top issues people are talking about. We hear concerns about lack of transparency around the issuance of small refinery waivers and we are hopeful these changes will put everyone on a level playing field to receive the information at the same time,” said U.S.

Department of Agriculture Secretary Sonny Perdue. **“Farmers stay on top of every bit of news that comes out about the RFS and their industry, so providing them with more information is a priority. Adding timely updates to EPA’s website will be important to USDA’s customers, the people of American agriculture. We have had a great working relationship with Acting EPA Administrator Wheeler and we are pleased to continue it with this progress on RFS information.”**

The data will provide important information for renewable fuel producers, fuel refiners, importers, and marketers that can be used as they make business and compliance decisions. In posting the data, EPA will ensure the protection of confidential business information.

New information includes:

- The number of small refinery exemption petitions received, approved, and denied for each compliance year;
- The weekly average price of Renewable Identification Numbers (RINs) traded; and
- The weekly volume of RINs traded.

The Agency has been working to upgrade online systems to provide easy access to the most up-to-date information. These technical upgrades to the website serve to improve transparency in the Agency's implementation of the statute.

Moving forward, EPA intends to coordinate small refinery hardship decisions with website updates such that the recipients of waivers and the broader market receive the same information at the same time. The Agency will also update information on RIN prices and trading volumes on a monthly basis.

The updated RFS website includes interactive and dynamic features that allow users to customize display of RIN information, feedstock type, and producer attributes.

The data are available here: <https://www.epa.gov/fuels-registration-reporting-and-compliance-help/public-data-renewable-fuel-standard>

*****WEBSITE DEMO*****

Credentialed press can RSVP to press@epa.gov to participate in a demonstration of the updated website on September 20, 2018 at 1:00 PM. There will be no Q&A session.

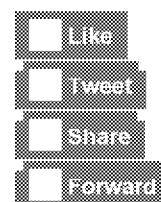
WHAT: RFS Website Update Demo

WHEN: Thursday, September 20
1:00 PM

Please RSVP to press@epa.gov for further information.

<!--[if !mso]>[Visit The EPA's Newsroom](#)<!--[endif]>

U.S. Environmental Protection Agency
1200 Pennsylvania Avenue Northwest
Washington, D.C. 20004



[Unsubscribe](#)

Message

From: Palich, Christian [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=330AD62E158D43AF93FCBBECE930D21A-PALICH, CHR]
Sent: 9/6/2018 4:05:12 PM
To: Jackson, Ryan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=38bc8e18791a47d88a279db2fec8bd60-Jackson, Ry]
CC: Frye, Tony (Robert) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=58c08abdfc1b4129a10456b78e6fc2e1-Frye, Rober]; Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]
Subject: AW EPW QFR's
Attachments: 2018.09.06 - OFFICE ASSIGNED - ALL Wheeler QFRs 08.01.2018.docx

Hi Ryan,

Attached are the draft answers to the QFR's from Andrew's 8/1 hearing. Once you have reviewed and signed off I will send to OMB for clearance then get them asap to EPW.

I think Andrew wanted to see them as well, but wanted you to have first look of course. Thanks and let me know if you need anything further or have questions.

Best Regards,

Christian R. Palich
Deputy Associate Administrator
Office of Congressional & Intergovernmental Affairs
U.S Environmental Protection Agency
O: 202.564.4944
C: Ex. 6
E: Palich.Christian@epa.gov

Message

From: Jackson, Ryan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38BC8E18791A47D88A279DB2FEC8BD60-JACKSON, RY]
Sent: 5/23/2018 4:57:12 PM
To: Konkus, John [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=555471b2baa6419e8e141696f4577062-Konkus, Joh]; Wilcox, Jahan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=88fd588e97d3405d869bcae98d391984-Wilcox, Jah]
Subject: Small Refinery Tps.docx
Attachments: Small Refinery Tps.docx

Message

From: Dunham, Sarah [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A9444681441E4521AD92AE7D42919223-SDUNHAM]
Sent: 3/6/2017 1:02:41 AM
To: Jackson, Ryan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=38bc8e18791a47d88a279db2fec8bd60-Jackson, Ry]
CC: Schnare, David [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=96fc79d4007541a69e8b3cf57f6e13b0-Schnare, Da]; Flynn, Mike [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=735bf2d12a064b0998510511c5b4644b-MFlynn]; Connors, Sandra [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=cc4f8f838be74de797ba9f894a0bc7b5-SCONNORS]
Subject: Re: small refinery hardship petition criteria (contains CBI)

Ok, thank you. Certainly doable to pull together that briefing document (combination of some of the materials we've sent forward). An actual in person briefing may be the best way to communicate this information if there is time to schedule. But we'll try to focus the briefing material to have something ready to go at any time.

On Mar 5, 2017, at 6:48 PM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:

Thank you for this.

Deliberative Process / Ex. 5

We will be traveling all Monday and Tuesday. Let me know if you'd like to talk to get more information.

Thank you.

From: Dunham, Sarah
Sent: Friday, March 3, 2017 6:39 PM
To: Schnare, David <schnare.david@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>; Flynn, Mike <Flynn.Mike@epa.gov>; Connors, Sandra <Connors.Sandra@epa.gov>
Subject: small refinery hardship petition criteria (contains CBI)

Hi-

Sorry for the Friday evening email, but I wanted to follow-up on the RFS small refinery hardship petitions.

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

I wanted to share a little more on the criteria we use in the evaluations.

Evaluating Small Refinery RFS Hardship Petitions

Deliberative Process / Ex. 5

The compliance deadline for 2016 is March 31, 2016. Acting on these petitions as quickly as possible gives the impacted parties time to make their required compliance demonstrations.

Message

From: Dunham, Sarah [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A9444681441E4521AD92AE7D42919223-SDUNHAM]
Sent: 3/8/2017 10:27:12 PM
To: Schnare, David [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=96fc79d4007541a69e8b3cf57f6e13b0-Schnare, Da]
Subject: RE: RFS hardship denial recommendation

Deliberative Process / Ex. 5

From: Schnare, David
Sent: Tuesday, March 07, 2017 8:17 AM
To: Jackson, Ryan <jackson.ryan@epa.gov>; Brown, Byron <brown.byron@epa.gov>; Dravis, Samantha <dravis.samantha@epa.gov>
Cc: Dunham, Sarah <Dunham.Sarah@epa.gov>
Subject: RFS hardship denial recommendation

Please provide me your recommendation per the attached. It would be very helpful to deal with this today.

Deliberative Process / Ex. 5

dschnare

Message

From: Dunham, Sarah [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A9444681441E4521AD92AE7D42919223-SDUNHAM]
Sent: 2/27/2017 5:01:10 PM
To: Schnare, David [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=96fc79d4007541a69e8b3cf57f6e13b0-Schnare, Da]; Flynn, Mike [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=735bf2d12a064b0998510511c5b4644b-MFlynn]; Connors, Sandra [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=cc4f8f838be74de797ba9f894a0bc7b5-SCONNORS]; Sugiyama, George [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=f8db82515f204fc3bdfa8b4dc81dd149-Sugiyama, G]
Subject: RE: Contains CBI: RFS Small Refinery Hardship Petitions

Ok, I will send that shortly.

From: Schnare, David
Sent: Monday, February 27, 2017 11:58 AM
To: Dunham, Sarah <Dunham.Sarah@epa.gov>; Flynn, Mike <Flynn.Mike@epa.gov>; Connors, Sandra <Connors.Sandra@epa.gov>; Sugiyama, George <sugiyama.george@epa.gov>
Subject: RE: Contains CBI: RFS Small Refinery Hardship Petitions

For each of the denials, it would be helpful to know what criteria the refinery failed to meet, i.e., the why behind the denial.

dschnare

From: Dunham, Sarah
Sent: Monday, February 27, 2017 11:46 AM
To: Flynn, Mike <Flynn.Mike@epa.gov>; Connors, Sandra <Connors.Sandra@epa.gov>; Schnare, David <dschnare.david@epa.gov>; Sugiyama, George <sugiyama.george@epa.gov>
Subject: Contains CBI: RFS Small Refinery Hardship Petitions

Hi-
Mike and I spoke on Friday afternoon and I mentioned I would follow-up with additional information about the RFS small refinery hardship waivers. **Deliberative Process / Ex. 5**

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5 Background on the overall process can be found in the attached two-pager (slightly updated from what I sent last week). **Deliberative Process / Ex. 5**

Deliberative Process / Ex. 5

Thanks,
Sarah

Status of Response to 2016 Hardship Waiver Requests (as of 2/27):

Deliberative Process / Ex. 5

Message

From: Dunham, Sarah [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A9444681441E4521AD92AE7D42919223-SDUNHAM]
Sent: 2/23/2017 12:10:40 AM
To: Schnare, David [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=96fc79d4007541a69e8b3cf57f6e13b0-Schnare, Da]
CC: Jackson, Ryan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=38bc8e18791a47d88a279db2fec8bd60-Jackson, Ry]; Sugiyama, George [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=f8db82515f204fc3bd8a8b4dc81dd149-Sugiyama, G]; Flynn, Mike [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=735bf2d12a064b0998510511c5b4644b-MFlynn]
Subject: Re: Follow-ups to the Office of Air and Radiation briefing for Administrator Pruitt

Hi David. I'm not sure I totally understand the distinction you made below, and if the attachment made such a distinction I'm not sure it was intended. But I am happy to discuss further (and that may be helpful to make sure I understand your point). Feel free to call my cell Personal Phone / Ex. 6 or let me know when would be a good time to discuss.
Thanks
Sarah

Sent from my iPhone

On Feb 22, 2017, at 6:59 PM, Schnare, David <schnare.david@epa.gov> wrote:

Sara:

Deliberative Process / Ex. 5

dschnare

From: Dunham, Sarah
Sent: Wednesday, February 22, 2017 6:03 PM
To: Jackson, Ryan <jackson.ryan@epa.gov>
Cc: Schnare, David <schnare.david@epa.gov>; Sugiyama, George <sugiyama.george@epa.gov>; Flynn, Mike <Flynn.Mike@epa.gov>
Subject: Follow-ups to the Office of Air and Radiation briefing for Administrator Pruitt

Dear Ryan (and David, and George, and Mike)-

I hope the firehose you have been drinking from the past two days has not been too overwhelming. I wanted to follow-up on a couple of the more near-term items from this morning's briefing on the Office of Air and Radiation with you and Administrator Pruitt—we are trying to prioritize the follow-up items so as not to overwhelm you even more! We are keeping a list of the requests the Administrator made, and will make sure we don't forget about them. But there were three items that are most time sensitive.

- (1) <!--[if !supportLists]--><!--[endif]-->RFS Small Refinery Hardship Petitions: We flagged this morning that we would like to move forward with Deliberative Process / Ex. 5 small refinery hardship petitions under the Renewable Fuel Standard (RFS) program for the 2016 compliance year. We must issue decisions before the end of February to give applicants time to meet their 2016 RFS

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

I have

attached a document which provides more background on these actions.

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

(2) <!--[if !supportLists]--><!--[endif]-->Oil and Gas Information Collection Request (ICR): Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

- (3) <!--[if !supportLists]--><!--[endif]-->Regional Haze: I mostly wanted to get your sense of what would be most useful to you, and the Administrator, on regional haze. There are a variety of ongoing actions in various States and in various stages, with a long history on each of the individual actions as well as the program. And there are upcoming near-term decision opportunities for some of them. One suggestion would be to get you a background document, that provides some context and identifies the status of the most immediate actions, and depending on your interest, sit down with you to walk through the document. And then based on your recommendation, sit down with the Administrator. But please let me know if you have thoughts on how you'd like to proceed.

Thanks Ryan, and please let me know if you have any questions, reactions, or suggestions for how you'd like to proceed on any of these areas, and specifically ways we can make this flood of information easier for you and the Administrator.

Sarah

Sarah Dunham
Acting Assistant Administrator
EPA Office of Air and Radiation
202 343 9301

Personal Phone / Ex. 6

Message

From: Schnare, David [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=96FC79D4007541A69E8B3CF57F6E13B0-SCHNARE, DA]
Sent: 3/7/2017 1:43:15 PM
To: Jackson, Ryan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=38bc8e18791a47d88a279db2fec8bd60-Jackson, Ry]
Subject: RE: RFS hardship **Deliberative Process / Ex. 5**

Deliberative Process / Ex. 5

dschnare

From: Jackson, Ryan
Sent: Tuesday, March 7, 2017 8:38 AM
To: Schnare, David <schnare.david@epa.gov>
Cc: Brown, Byron <brown.byron@epa.gov>; Dravis, Samantha <dravis.samantha@epa.gov>; Dunham, Sarah <Dunham.Sarah@epa.gov>
Subject: Re: RFS hardship **Deliberative Process / Ex. 5**

Deliberative Process / Ex. 5

Ryan Jackson
Chief of Staff
U.S. EPA

Personal Phone / Ex. 6

On Mar 7, 2017, at 6:17 AM, Schnare, David <schnare.david@epa.gov> wrote:

Please provide me your recommendation per the attached. It would be very helpful to deal with this today.

Deliberative Process / Ex. 5

dschnare

Deliberative Process / Ex. 5

Message

From: Schnare, David [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=96FC79D4007541A69E8B3CF57F6E13B0-SCHNARE, DA]
Sent: 2/27/2017 8:47:07 PM
To: Dunham, Sarah [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=a9444681441e4521ad92ae7d42919223-SDUNHAM]
Subject: RE: Contains CBI: RFS Small Refinery Hardship Petitions

Thank you Sarah. Precisely what I needed.

dschnare

From: Dunham, Sarah
Sent: Monday, February 27, 2017 1:50 PM
To: Schnare, David <schnare.david@epa.gov>; Flynn, Mike <Flynn.Mike@epa.gov>; Connors, Sandra <Connors.Sandra@epa.gov>; Sugiyama, George <sugiyama.george@epa.gov>
Subject: RE: Contains CBI: RFS Small Refinery Hardship Petitions

I am attaching a two pager that contains summaries of the why for each of the denials. Please let me know if you'd like anything further. Please note the document contains Confidential Business Information.

From: Schnare, David
Sent: Monday, February 27, 2017 11:58 AM
To: Dunham, Sarah <Dunham.Sarah@epa.gov>; Flynn, Mike <Flynn.Mike@epa.gov>; Connors, Sandra <Connors.Sandra@epa.gov>; Sugiyama, George <sugiyama.george@epa.gov>
Subject: RE: Contains CBI: RFS Small Refinery Hardship Petitions

For each of the denials, it would be helpful to know what criteria the refinery failed to meet, i.e., the why behind the denial.

dschnare

From: Dunham, Sarah
Sent: Monday, February 27, 2017 11:46 AM
To: Flynn, Mike <Flynn.Mike@epa.gov>; Connors, Sandra <Connors.Sandra@epa.gov>; Schnare, David <schnare.david@epa.gov>; Sugiyama, George <sugiyama.george@epa.gov>
Subject: Contains CBI: RFS Small Refinery Hardship Petitions

Hi-
Mike and I spoke on Friday afternoon and I mentioned I would follow-up with additional information about the RFS small refinery hardship waivers.

Personal Phone / Ex. 6

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Background on the overall process can be found in the attached two-pager (slightly updated

from what I sent last week).

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Thanks,
Sarah

Status of Response to 2016 Hardship Waiver Requests (as of 2/27):

Deliberative Process / Ex. 5

Message

From: Schnare, David [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=96FC79D4007541A69E8B3CF57F6E13B0-SCHNARE, DA]
Sent: 2/23/2017 8:33:00 PM
To: Dunham, Sarah [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=a9444681441e4521ad92ae7d42919223-SDUNHAM]
Subject: Re: Small Refinery Hardship Decisions--Update

Thx
d

Sent from my iPhone

On Feb 23, 2017, at 3:20 PM, Dunham, Sarah <Dunham.Sarah@epa.gov> wrote:

When we grant the petitions, that eliminates the RFS compliance obligations for petitioning refineries for the particular calendar year. So in this case, we are acting on petitions that are asking for exemptions from the RFS requirements for the 2016 calendar year—compliance is due march 31, 2017 for the 2016 requirements. (Essentially, those refineries do not have to hold RINs for compliance with 2016 renewable volume standards, and any RINS they already hold can be sold to other obligated parties). I am reattaching the backgrounder I sent around last night—although it admittedly focuses more on the denials than the grants.

From: Schnare, David
Sent: Thursday, February 23, 2017 3:08 PM
To: Dunham, Sarah <Dunham.Sarah@epa.gov>
Subject: RE: Small Refinery Hardship Decisions--Update

What are these grants for? What do they buy?

dschnare

From: Dunham, Sarah
Sent: Thursday, February 23, 2017 3:06 PM
To: Flynn, Mike <Flynn.Mike@epa.gov>; Schnare, David <schnare.david@epa.gov>; Sugiyama, George <sugiyama.george@epa.gov>; Reeder, John <Reeder.John@epa.gov>
Subject: FW: Small Refinery Hardship Decisions--Update

I'm forwarding a little more information related to the small refinery hardship decisions I have flagged previously:

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

From: Grundler, Christopher
Sent: Thursday, February 23, 2017 2:45 PM

To: Dunham, Sarah <Dunham.Sarah@epa.gov>
Subject: Small Refinery Hardship Decisions--Update

Sarah:

Copied below is the summary table we discussed with this morning. It is ordered with the grants first in order of expected issuances followed by the denials.

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Thanks,

Chris

<image001.png>

<Small refinerybackgrounder for 2016.jl edits.docx>

Message

From: Stahle, Susan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B25318C6014D4FB985288E15143C8596-SSTAHLE]
Sent: 7/12/2018 8:33:23 PM
To: Jessica O'Donnell [Jessica.O'Donnell@usdoj.gov]
Subject: FW: Grassley small refinery letter. signed
Attachments: Grassley_small refinery_signed.pdf

From: Sutton, Tia
Sent: Thursday, July 12, 2018 12:57 PM
To: Cohen, Janet <cohen.janet@epa.gov>; Parsons, Nick <Parsons.Nick@epa.gov>; Piotrowski, Greg <piotrowski.greg@epa.gov>; Stahle, Susan <Stahle.Susan@epa.gov>; Weihrauch, John <Weihrauch.John@epa.gov>; Michaels, Lauren <Michaels.Lauren@epa.gov>; Master, Barbora <Master.Barbora@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Nelson, Karen <nelson.karen@epa.gov>; Boylan, Thomas <boylan.thomas@epa.gov>; Machiele, Paul <machiele.paul@epa.gov>
Subject: FW: Grassley small refinery letter. signed

Hot off the presses! We can use this as the basis for the remaining letters (tailoring each response to the incomings, of course). We'll have to update the 2018 line, but should be fine for the rest (I assume...).

From: Meekins, Tanya
Sent: Thursday, July 12, 2018 12:21 PM
To: Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Sutton, Tia <sutton.tia@epa.gov>
Subject: Grassley small refinery letter. signed

Tanya Meekins
Office of Transportation
And Air Quality
202-564-6002

Message

From: Sutton, Tia [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=25E87403F63143ACBB959446512A372C-SUTTON, TIA]
Sent: 2/19/2016 8:23:46 PM
To: Haman, Patricia [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=0ebb27cd881d41b19a30a491dc3f3f57-phaman]; Davis, Matthew [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=84111ec08c504b6baae0510b2d2ce46a-Davis, Matthew]
Subject: RE: 7a EPW Committee Members_peh edits.docx - with attachment this time!
Attachments: 7a EPW Committee Members_peh edits+tls.docx

Good lord- trying to do way too many things at once! Here's the attachment.

From: Sutton, Tia
Sent: Friday, February 19, 2016 3:16 PM
To: Haman, Patricia <Haman.Patricia@epa.gov>; Davis, Matthew <Davis.Matthew@epa.gov>
Subject: RE: 7a EPW Committee Members_peh edits.docx

And I made a couple of additional edits on small refinery stuff- attached here in case you care to see the edits, but I'll save the clean version on Z in a few. Thank you both!!

From: Haman, Patricia
Sent: Friday, February 19, 2016 3:03 PM
To: Sutton, Tia <sutton.tia@epa.gov>; Davis, Matthew <Davis.Matthew@epa.gov>
Subject: 7a EPW Committee Members_peh edits.docx

I added in a couple of letters and changed the headings to Majority and Minority.

Message

From: Sutton, Tia [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=25E87403F63143ACBB959446512A372C-SUTTON, TIA]
Sent: 8/3/2018 3:09:44 PM
To: Stahle, Susan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b25318c6014d4fb985288e15143c8596-SSTAHLE]; Cohen, Janet [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d94b854e69cd4f9e80db946bf9d1c1b2-Cohen, Janet]; Lauren Michaels (Michaels.Lauren@epa.gov) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=a44e1a5c23404801bd12621455cde517-Reid, Laure]; Parsons, Nick [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=7ba9a64331b0449a93ccc46f74d5d1f0-Parsons, Nick]
CC: Burkholder, Dallas [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=667ef175292d4784997e454a9985b3b3-Burkholder, Dallas]
Subject: RFS briefing for OCFO - SR slides for your review (if you want to review)
Attachments: RFS briefing for OCFO.pptx

Hey y'all,

Apologies for the late hit here (I thought we had til Monday at 4pm on this, but I apparently have to send things down by 4pm today) – as I mentioned at a few Weekly Fuels mtgs, Dallas and I will be briefing OCFO folks on “RFS 101” on Tuesday. The briefing is largely the same as what we’ve been walking others through, but I made some tweaks to the small refinery-related slides (slides 14-16), so thought I’d ship your way in case you wanted to review.

Thanks!

-Tia

Message

From: Sutton, Tia [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=25E87403F63143ACBB959446512A372C-SUTTON, TIA]
Sent: 5/15/2018 1:27:34 PM
To: Hengst, Benjamin [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c414e2bf04a246bb987d88498eefff06-Hengst, Benjamin]
Subject: RE: Call for Weekly Fuels agenda items - please send by 8am Tuesday

Excuse me- you did NOT clear this with the management. Please exercise better discretion in the future.

From: Hengst, Benjamin
Sent: Tuesday, May 15, 2018 9:26 AM
To: Sutton, Tia <sutton.tia@epa.gov>; Dubois, Roland <Dubois.Roland@epa.gov>; Weihrauch, John <Weihrauch.John@epa.gov>; Le, Madison <Le.Madison@epa.gov>; Charmley, William <charmley.william@epa.gov>; Burkholder, Dallas <burkholder.dallas@epa.gov>; Bunker, Byron <bunker.byron@epa.gov>; Manners, Mary <manners.mary@epa.gov>; Simon, Karl <Simon.Karl@epa.gov>; Birgfeld, Erin <Birgfeld.Erin@epa.gov>; Machiele, Paul <machiele.paul@epa.gov>; Lie, Sharyn <Lie.Sharyn@epa.gov>; Borgert, Kyle <borgert.kyle@epa.gov>; Burch, Julia <Burch.Julia@epa.gov>; Korotney, David <korotney.david@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Fujii, Kristen <Fujii.Kristen@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Sargeant, Kathryn <sargeant.kathryn@epa.gov>; Patulski, Meg <patulski.meg@epa.gov>; Anderson, Robert <Anderson.Robert@epa.gov>; Michaels, Lauren <Michaels.Lauren@epa.gov>; Parsons, Nick <Parsons.Nick@epa.gov>; Gustafson, Kurt <Gustafson.Kurt@epa.gov>; Sobel, Aaron <Sobel.Aaron@epa.gov>; Master, Barbora <Master.Barbora@epa.gov>; Maynard, Rachel <maynard.rachel@epa.gov>; Boylan, Thomas <boylan.thomas@epa.gov>; Nelson, Karen <nelson.karen@epa.gov>; Stahle, Susan <Stahle.Susan@epa.gov>; Larson, Ben <Larson.Ben@epa.gov>; Cohen, Janet <cohen.janet@epa.gov>; Levy, Aaron <Levy.Aaron@epa.gov>
Subject: RE: Call for Weekly Fuels agenda items - please send by 8am Tuesday

If there's time at the end, I'd like to ask folks involved in small refinery FOIAs to hang on the line to chat for a few minutes.

For those not involved in small refinery FOIAs, I'd like to extend an invitation to everyone on this email to join this exciting and intellectually engaging growth area within OTAQ.

Ben

From: Sutton, Tia
Sent: Monday, May 14, 2018 2:56 PM

Draft agenda for tomorrow's Weekly Fuels is below – reminder that we're starting at **11:30am**. Edits by **8am Tuesday morning** would be much appreciated.

Draft Agenda for Tuesday, 5/15 Weekly Fuels Meeting – 11:30am-12:30pm

Personal Phone / Ex. 6

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

- Small refinery hardship update

Deliberative Process / Ex. 5

Message

From: Sutton, Tia [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=25E87403F63143ACBB959446512A372C-SUTTON, TIA]
Sent: 6/22/2018 4:54:31 PM
To: Siegel, Kelly C. [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=97b21b6e4a854c96b6418bf492f43fa6-KSiegel]; Haley, Mike [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=0b3d67842d0e435986abaf1b0c25214e-Mhaley]; Burch, Julia [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=27b0cd43b0404bab89aef0c8d08c165f-Burch, Julia]; McCubbin, Courtney [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=68a624b0793d44fbb40741931404958f-cmccubbi]; Ashley, Jackie [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=01a9a3cadfa14c509d09cdae3498dd43-JASHLEY]; Terry, Sara [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=a5f08a9bf1324b05bc02a7dd2ea695e4-STERRY]; Noonan, Jenny [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=19d41ff0e3054aafa7d3c33308e5b30-JNOONAN]; Hopkins, Daniel [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=ff90dda6717f4df4b8b78526a0b2a98f-DHopki02]; Alpert, Adina [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c027b4b7f0bd41f2b6b8a412cfb83226-alpert, adina]; Clarke, Deirdre [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=bd477de57edf406c8bdb6a175daa5062-Clarke, Dei]; Costa, Shelley [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=158dd96a4d964dc8b1f05c6703620eaf-Costa, Shelley]; Bullard, Pamela [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=4774cba4c2944cd9bc732ed6ec93f4fc-PBULLARD]; Whitlow, Jeff [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=cc115821bfa644b48ed2eea8fb210536-Whitlow, Jeff]; Green, Marie [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=2ad11c8efdee4df4b43613b1b1a62a07-Green, Mari]; Cherepy, Andrea [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c52459ab00fd4f0eae85c32cdc9c73dd-ACHerepy]
CC: Hyde, Courtney [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b9817dab77e44c898a7a7fb8b82ce353-CHYDE]; Walters, Margaret [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=406f74d8f760452cb40e0a9d25c95c3b-Walters, Margaret]; LaRue, Steven [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=ae0438503e444d7583eae7fb573df03-Larue, Steve]; Wolfe, Michael [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1e7f57a806d7482a9296da8928448691-MWOLFE]; Lubetsky, Jonathan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=e125d09a658e48119789ccae5712b4a5-JLUBETSK]; Mroz, Jessica [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=64b0c7f807df436a9b40ce52f7dec34c-Mroz, Jessi]
Subject: RE: SAC QFR - responses requested 6/21 COB
Attachments: 5-16-18 SAC QFRs_OTAQ.docx

OTAQ's QFRs are attached. Thanks!

From: Siegel, Kelly C.
Sent: Friday, June 22, 2018 9:05 AM
To: Haley, Mike <Haley.Mike@epa.gov>; Sutton, Tia <sutton.tia@epa.gov>; Burch, Julia <Burch.Julia@epa.gov>; McCubbin, Courtney <McCubbin.Courtney@epa.gov>; Ashley, Jackie <Ashley.Jackie@epa.gov>; Terry, Sara

<Terry.Sara@epa.gov>; Noonan, Jenny <Noonan.Jenny@epa.gov>; Hopkins, Daniel <Hopkins.Daniel@epa.gov>; Alpert, Adina <Alpert.Adina@epa.gov>; Clarke, Deirdre <clarke.deirdre@epa.gov>; Costa, Shelley <Costa.Shelley@epa.gov>; Bullard, Pamela <Bullard.Pamela@epa.gov>; Whitlow, Jeff <Whitlow.Jeff@epa.gov>; Green, Marie <green.marie@epa.gov>; Cherepy, Andrea <Cherepy.Andrea@epa.gov>
Cc: Hyde, Courtney <Hyde.Courtney@epa.gov>; Walters, Margaret <Walters.Margaret@epa.gov>; LaRue, Steven <LaRue.Steven@epa.gov>; Wolfe, Michael <Wolfe.Michael@epa.gov>; Lubetsky, Jonathan <Lubetsky.Jonathan@epa.gov>; Mroz, Jessica <mroz.jessica@epa.gov>
Subject: RE: SAC QFR - responses requested 6/21 COB

Good morning,

Just a friendly to send us your responses as soon as possible. If you are waiting on information please let us know.

Thanks,
Kelly

From: Siegel, Kelly C.

Sent: Monday, June 18, 2018 4:58 PM

To: Haley, Mike <Haley.Mike@epa.gov>; Sutton, Tia <sutton.tia@epa.gov>; Burch, Julia <Burch.Julia@epa.gov>; McCubbin, Courtney <McCubbin.Courtney@epa.gov>; Ashley, Jackie <Ashley.Jackie@epa.gov>; Terry, Sara <Terry.Sara@epa.gov>; Noonan, Jenny <Noonan.Jenny@epa.gov>; Hopkins, Daniel <Hopkins.Daniel@epa.gov>; Alpert, Adina <Alpert.Adina@epa.gov>; Clarke, Deirdre <clarke.deirdre@epa.gov>; Costa, Shelley <Costa.Shelley@epa.gov>; Bullard, Pamela <Bullard.Pamela@epa.gov>; Whitlow, Jeff <Whitlow.Jeff@epa.gov>; Green, Marie <green.marie@epa.gov>; Cherepy, Andrea <Cherepy.Andrea@epa.gov>
Cc: Hyde, Courtney <Hyde.Courtney@epa.gov>; Walters, Margaret <Walters.Margaret@epa.gov>; LaRue, Steven <LaRue.Steven@epa.gov>; Wolfe, Michael <Wolfe.Michael@epa.gov>; Lubetsky, Jonathan <Lubetsky.Jonathan@epa.gov>; Mroz, Jessica <mroz.jessica@epa.gov>
Subject: SAC QFR - responses requested 6/21 COB

Everyone,

Attached are the SAC QFRs for OAR. Questions are highlighted in yellow and office assignments are shown next to each question. The red text is from previous QFRs from this fiscal year that you may find useful for your response. Please return your responses to me by COB Thursday June 21st.

If you have any questions, please let us know.

Thanks,
Kelly

Message

From: Sutton, Tia [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=25E87403F63143ACBB959446512A372C-SUTTON, TIA]
Sent: 7/27/2018 8:17:48 PM
To: Orlin, David [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=aa64dad518d64c5f9801eb9bb15b7ec3-DORLIN]; Stahle, Susan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b25318c6014d4fb985288e15143c8596-SSTAHLE]; Ryland Li (Shengzhi) (Li.Ryland@epa.gov) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=7cf0eac9d34b446f88e03f8ec48274f1-Li, Shengzh]
CC: Burch, Julia [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=27b0cd43b0404bab89aef0c8d08c165f-Burch, Julia]
Subject: Monday's RFS litigation briefing
Attachments: RFS Litigation.docx

Hey y'all,

Just wanted to check in and see if you had updated materials that you wanted us to send to OAR for Monday's briefing? Otherwise, I will send the attached down.

Thanks!

-Tia

From: "Carpenter, Crystal" <Crystal.Carpenter@informaecon.com>
To: Paul Argyropoulos/DC/USEPA/US@EPA
Subject: Small Refiner Exemption
Submit Time: 11/6/2012 15:24:47

Mr. Argyropoulos,

I have a quick question that I was hoping you might be able to help me out with or direct me toward someone who can. I am a consultant here at Informa Economics and we are working on a project dealing with RINs and Renewable Fuels Requirements, and I have a question regarding the small refiner exemption. From the documents I have been able to find, it looks as though this exemption has been essentially extended for 21 small refineries "...for a minimum of two additional years, 2011 and 2012." **My question is: what happens beyond 2012 with this small refiner exemption? Is this a year by year determination by the EPA?**

I would appreciate any help you could provide. If I need to explain my question better, please contact me at my office number listed below.

Thank you.

Warm Regards,

~Crystal

Crystal Carpenter

Senior Consultant, Informa Economics

Phone: 901-766-4610

Email: crystal.carpenter@informaecon.com

Description: New Image

775 Ridge Lake Blvd. Suite 400

Memphis, TN 38210

www.informaecon.com

***** ATTACHMENT NOT DELIVERED *****

This Email message contained an attachment named
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which may be a computer program. This attached computer program could
contain a computer virus which could cause harm to EPA's computers,
network, and data. The attachment has been deleted.

This was done to limit the distribution of computer viruses introduced
into the EPA network. EPA is deleting all computer program attachments
sent from the Internet into the agency via Email.

If the message sender is known and the attachment was legitimate, you
should contact the sender and request that they rename the file name
extension and resend the Email with the renamed attachment. After
receiving the revised Email, containing the renamed attachment, you can
rename the file extension to its correct name.

For further information, please contact the EPA Call Center at
(866) 411-4EPA (4372). The TDD number is (866) 489-4900.

***** ATTACHMENT NOT DELIVERED *****

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For further information, please contact the EPA Call Center at (866) 411-4EPA (4372). The TDD number is (866) 489-4900.

***** ATTACHMENT NOT DELIVERED *****

From: "Carpenter, Crystal" <Crystal.Carpenter@informaecon.com>
To: Paul Argyropoulos/DC/USEPA/US@EPA
Subject: RE: Small Refiner Exemption
Submit Time: 11/6/2012 15:36:59

Thank you for your very quick response.

~Crystal

From: Argyropoulos.Paul@epamail.epa.gov
[mailto:Argyropoulos.Paul@epamail.epa.gov]
Sent: Tuesday, November 06, 2012 9:28 AM
To: Carpenter, Crystal
Cc: McKenna.Chris@epamail.epa.gov
Subject: Re: Small Refiner Exemption

Hi Crystal.

I'm shipping your question over to someone on our team that can respond accordingly.

Best Regards, Paul

Paul N. Argyropoulos
Senior Policy Advisor
Office of Transportation & Air Quality
US Environmental Protection Agency
Office Phone: 1-202-564-1123
Mobile: 202-577-9354
Email: argyropoulos.paul@epa.gov
Website: www.epa.gov/otaq

▼ "Carpenter, Crystal" ---11/06/2012 10:25:14 AM---Mr. Argyropoulos, I have a quick question that I was hoping you might be able to help me out with or

From: "Carpenter, Crystal" <Crystal.Carpenter@informaecon.com>
To: Paul Argyropoulos/DC/USEPA/US@EPA
Date: 11/06/2012 10:25 AM
Subject: Small Refiner Exemption

Mr. Argyropoulos,

I have a quick question that I was hoping you might be able to help me out with or direct me toward someone who can. I am a consultant here at Informa Economics and we are working on a project dealing with RINs and Renewable Fuels Requirements, and I have a question regarding the small refiner exemption. From the documents I have been able to find, it looks as though this exemption has been essentially extended for 21 small refineries "...for a minimum of two additional years, 2011 and 2012." **My question is: what happens beyond 2012 with this small refiner exemption? Is this a year by year determination by the EPA?**

I would appreciate any help you could provide. If I need to explain my question better, please contact me at my office number listed below.

Thank you.

Warm Regards,

~Crystal

Crystal Carpenter

Senior Consultant, Informa Economics

Phone: 901-766-4610

Email: crystal.carpenter@informaecon.com

775 Ridge Lake Blvd. Suite 400

Memphis, TN 38210

www.informaecon.com

***** ATTACHMENT NOT DELIVERED *****

This Email message contained an attachment named
image001.jpg

which may be a computer program. This attached computer program could contain a computer virus which could cause harm to EPA's computers, network, and data. The attachment has been deleted.

This was done to limit the distribution of computer viruses introduced into the EPA network. EPA is deleting all computer program attachments sent from the Internet into the agency via Email.

If the message sender is known and the attachment was legitimate, you

should contact the sender and request that they rename the file name extension and resend the Email with the renamed attachment. After receiving the revised Email, containing the renamed attachment, you can rename the file extension to its correct name.

For further information, please contact the EPA Call Center at (866) 411-4EPA (4372). The TDD number is (866) 489-4900.

***** ATTACHMENT NOT DELIVERED *****

Subject: Small Refiner exemption write-up in the RFS Volume rule
To: CN=David Korotney/OU=AA/O=USEPA/C=US@EPA
Cc: CN=Venu Ghanta/OU=DC/O=USEPA/C=US@EPA CN=Paul
Argyropoulos/OU=DC/O=USEPA/C=US@EPA
From: CN=Lori Stewart/OU=DC/O=USEPA/C=US
Submit Time: 1/8/2013 23:22:34

David, can you please share the revisions on the small refiner RFS exemptions to me when you have it. Chris was asked about this directly by Gina and he would like to see the explanation so he can better understand the history/ current status on this. Thanks very much.

Subject: Re: Feedback from OMB on small refiner issue in rule
To: CN=Karl Simon/OU=DC/O=USEPA/C=US@EPA
Cc: CN=Byron Bunker/OU=AA/O=USEPA/C=US@EPA CN=Chris McKenna/OU=DC/O=USEPA/C=US@EPA CN=David Korotney/OU=AA/O=USEPA/C=US@EPA CN=Lori Stewart/OU=DC/O=USEPA/C=US@EPA CN=Paul Argyropoulos/OU=DC/O=USEPA/C=US@EPA CN=Paul Machiele/OU=AA/O=USEPA/C=US@EPA CN=Roland Dubois/OU=DC/O=USEPA/C=US@EPA CN=Sharyn Lie/OU=DC/O=USEPA/C=US@EPA CN=Venu Ghanta/OU=DC/O=USEPA/C=US@EPA Weihrauch.John@epamail.epa.gov
From: CN=John Hannon/OU=DC/O=USEPA/C=US
Submit Time: 1/10/2013 14:29:35

Could someone send me the final letter we sent out granting the 2 year extension? from a draft of the letter, it includes text that says:

Deliberative Process / Ex. 5

John Hannon
Office of General Counsel
U.S. Environmental Protection Agency
1200 Pennsylvania Ave. NW (MC 2344A)
Washington, D.C. 20460
Phone (202) 564-5563
Fax (202) 564-5603

Karl Simon---01/10/2013 08:57:22 AM---Talked a bit to Chad and have some more detail on his ask in the rule. He is interested in having E

From: Karl Simon/DC/USEPA/US
To: Byron Bunker/AA/USEPA/US@EPA, Chris McKenna/DC/USEPA/US@EPA, David
Korotney/AA/USEPA/US@EPA, Paul Machiele/AA/USEPA/US@EPA,
Weihrauch.John@epamail.epa.gov, Paul Argyropoulos/DC/USEPA/US@EPA, Sharyn
Lie/DC/USEPA/US@EPA, Venu Ghanta/DC/USEPA/US@EPA, John
Hannon/DC/USEPA/US@EPA, Roland Dubois/DC/USEPA/US@EPA, Lori
Stewart/DC/USEPA/US@EPA
Date: 01/10/2013 08:57 AM
Subject: Feedback from OMB on small refiner issue in rule

Deliberative Process / Ex. 5

Subject: 2013 standards NPRM with modified small refinery language
To: CN=Paul Machiele/OU=AA/O=USEPA/C=US@EPA CN=Paul
Argyropoulos/OU=DC/O=USEPA/C=US@EPA CN=Venu Ghanta/OU=DC/O=USEPA/C=US@EPA
CN=Karl Simon/OU=DC/O=USEPA/C=US@EPA CN=Benjamin
Hengst/OU=DC/O=USEPA/C=US@EPA CN=Christopher Grundler/OU=AA/O=USEPA/C=US@EPA
Cc: CN=Dallas Burkholder/OU=AA/O=USEPA/C=US@EPA CN=Christine
Brunner/OU=AA/O=USEPA/C=US@EPA
From: CN=David Korotney/OU=AA/O=USEPA/C=US
Submit Time: 1/14/2013 18:09:51

Per Paul M's direction.

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

EO12866 RFS standards 2060-AR43 NPRM



FRN 20130114.docx

standards 2060-AR43 NPRM FRN_20130114.docx

EO12866_RFS

Submit Time: 1/20/2012 21:44:33
From: CN=Byron Bunker/OU=AA/O=USEPA/C=US
To: CN=Lori Stewart/OU=DC/O=USEPA/C=US@EPA
Cc:
Subject: Re: Materials for Margo's weekend folder

This is the one.

Byron Bunker
Acting Division Director
Compliance Division
Office of Transportation and Air Quality
US Environmental Protection Agency
2000 Traverwood Drive
Ann Arbor, MI 48105
(734) 214-4155
(734) 214-4053 (fax)
(734) 353-9623 (cell)
e-mail: bunker.byron@epa.gov

Lori Stewart---01/20/2012 04:42:17 PM---Byron, is this the one you left me the vmail on or is there another one coming - Margo is on her way

From: Lori Stewart/DC/USEPA/US
To: Byron Bunker/AA/USEPA/US@EPA
Date: 01/20/2012 04:42 PM
Subject: Re: Materials for Margo's weekend folder

Byron, is this the one you left me the vmail on or is there another one coming - Margo is on her way out the door.

Byron Bunker---01/20/2012 03:01:29 PM---Hi Lori, Could the following attachment be added to Margo's folder for the weekend? This is an issu

From: Byron Bunker/AA/USEPA/US
To: Lori Stewart/DC/USEPA/US@EPA
Cc: Patricia Shaffer/DC/USEPA/US@EPA, Gladys Bryant-Akers/DC/USEPA/US@EPA, Tincy Ricks/DC/USEPA/US@EPA, Paul Argyropoulos/DC/USEPA/US@EPA, John Weihrauch/DC/USEPA/US@EPA, Chris McKenna/DC/USEPA/US@EPA
Date: 01/20/2012 03:01 PM
Subject: Materials for Margo's weekend folder

Hi Lori,

Could the following attachment be added to Margo's folder for the weekend? This is an issue we had hoped to bring back to Margo this week but unfortunately were not able to find time. Chris pulled this together for us.

Thanks,

Byron

[attachment "Margo follow-up briefing on RFS hardship petitions rev5.doc" deleted by Lori Stewart/DC/USEPA/US]



Byron Bunker
Acting Division Director
Compliance Division
Office of Transportation and Air Quality
US Environmental Protection Agency
2000 Traverwood Drive
Ann Arbor, MI 48105
(734) 214-4155
(734) 214-4053 (fax)
(734) 353-9623 (cell)
e-mail: bunker.byron@epa.gov

Subject: RFS program summaries
To: CN=Byron Bunker/OU=AA/O=USEPA/C=US@EPA
Cc:
From: CN=David Korotney/OU=AA/O=USEPA/C=US
Submit Time: 6/13/2012 15:40:54

Here is the presentation we used in 2007 to describe the basic workings of the RFS1 program:

[Overview.ppt](#)  Overview.ppt

In 2010, we made presentations to regulated parties that focused primarily on what was changing between RFS1 and RFS2. Unfortunately, I could only find the PDF versions online. I assume you want the Powerpoint versions, so I am still looking for those.

[rfs2-workshop-overview.pdf](#)  rfs2-workshop-overview.pdf [rfs2-workshop-](#)
[emts.pdf](#)  rfs2-workshop-emts.pdf